

You Are Not Alone



An empowering guide
for parents whose children
are in DCF* Foster Care.

Written by Parents for Parents

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Disclaimer:

All information in this Guide is the responsibility of the Family Nurturing Center of Massachusetts and Parents Helping Parents—The Roundtable of Support. The Department of Children and Families did not edit or approve any information or commentary provided in this Guide. No public funds were used in preparing this guide.

How do I get a copy of this Guide?

Anyone may download the most up-to-date version of the Guide at no charge from the Parents Helping Parents Website, www.parentshelpingparents.org. Parents may obtain a free copy of You Are Not Alone by emailing Parents Helping Parents (PHP) at info@parentshelpingparents.org, by calling 1.800.632.8188 x3, or by writing to PHP at 108 Water Street, Watertown, MA 02472. Copies may also be available from DCF workers, the Probation Department of the Juvenile Court, or your assigned attorney. Organizations and interested officials may order a printed copy for \$7.00 (shipping included). Discounts are available for orders of 5 copies or more.

A Spanish translation of the Guide is also available.

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*The Department of Children and Families, or "DCF," is the state child protection agency for Massachusetts. Prior to July 8, 2008, it was called the "Department of Social Services," abbreviated as "DSS."

**What just happened to me?
I can't believe this!
Where are my kids?**

**Why did I lose my children?
Who's going to take care of them?
When can they come home?**

I'm mad, scared, and confused. I have so many questions.

Yes, this is a nightmare, but, unfortunately, it won't go away when you wake up. You are going to need help dealing with this situation.

But you are not alone. Parents who have been there wrote this guide. Some of us had problems with drugs or alcohol. Some of us used to lose control. All of us love our children and all of us have had our children placed in foster care by DCF. Some of us have our children back in our care. Some of us do not. Some of us recognize that our life style and actions were hurting our children and we are grateful for the help DCF provided. Others of us are angry at DCF and believe separating us from our children was an extreme over-reaction to our situation and did far more harm than good. We came together and worked with advocates and a legal team to pull together this guide, to help other parents whose children have been removed from their homes by DCF. We hope that by sharing this information we can make your journey easier than ours was.

First things first: Find someone to talk to. Family, friend, or professional, find someone to listen, to help you think clearly, and to encourage you. Personal support from people you trust will help you get through this crisis. You're going to need a lot of help dealing with this situation.

If you cannot reach anyone you know, call the Parental Stress Line at 1.800.632.8188. You can talk to someone there 24 hours a day. The volunteer answering the hotline is trained to help you vent your frustration, get emotional support, and figure out what to do next—all anonymously. You do not have to give your name. The Parental Stress Line is run by Parents Helping Parents, a private organization. It is not part of DCF.

If your child has an illness or takes medication, tell your DCF worker and your lawyer right away.

If you have a friend or relative who you would like to care for your child as a foster parent, give the DCF worker the person's name, address, and phone number right away.

Right now, reach out for help. One note: Be aware that if you feel the need to make any "confessions" about abusing or neglecting your child/ren, it is in your own best interest to tell your story to your lawyer first and go on from there. Your lawyer is the only person legally obligated to keep what you say confidential.

Many parents have gone through this before. Learn from our experiences. Right now you need to find people you can trust, talk to them about how you feel, and start planning how you will get your child or children back home.

Here are some of our stories...

“Almost 13 years ago, I found myself sitting on a hospital bed and for a few fleeting minutes, I felt the biggest relief in my life. I had finally told someone about the mental and physical abuse I had been living with. What I thought was going to be so helpful turned into a parent's worst nightmare. The nurse went to get another woman who then told me that my children were not going home with me, but were going to be brought to DCF. It was one heck of a ride. I learned a lot and had a lot of hard times. I also met some incredible people who helped me. I had to reach out for help. I had to do it for myself and for my kids. It was hard, but I did it and am now a great mother to my four children who live with me.”

“My daughter was taken away from her mother when I, her dad, was in jail. I felt so helpless. Then I realized that I had to get my stuff together inside so that when I got out, I could take care of my baby. I worked hard. My DCF worker introduced me to a Nurturing Fathers Program and I owe a lot to that. It made me a better person. I am grateful for my classes. They helped me get my daughter back. In less than two months, I had my daughter back with me.”

“All of a sudden my son stopped listening to me. He started hanging out with a new set of friends. I didn’t know what they were doing. I went to DCF for help with a CHINS and now my son is in DCF custody. I didn’t think this could happen but it has.”

“For several years now, I’ve been working with DCF in a good way to better my parenting skills. My mom used her hands to discipline me. I thought spanking was the only way to do it. I’m grateful that DCF came into my life. With the help and support I’ve gotten from them, I’m now able to discipline in a positive manner. I love my kids and want to keep them safe and happy. DCF helped me find who I am and who I want to be – a good mother.”

“You’ll never forget the day it happened. You’ll have endless nights not knowing where your child is. The trauma takes so long to leave and then it comes back when you least expect it. Get connected to people who can help you. You will need every bit of help you can get.”

We’ve been there, and some of us are still there—dealing with DCF and trying to reunite our families.

If you need immediate help, here are resources that many of us found helpful:

General Help

Parental Stress Line/Parents Helping Parents: 1.800.632.8188; 24 hours; translation service available.

Safe Link: 1.877.785.2020 or 1.800.992.2600; domestic violence helpline and shelter openings; 24 hours; multilingual.

The Samaritans: 1.866.912.4673; suicide and depression; 24 hours; English only.

Crisis Information Hotline: 1.800.254.7568; Spanish.

Legal Help

Legal Advocacy Center: 1.800.342.5297 or 617.742.9179; housing problems, bankruptcy, concerns about DCF, Social Security collection, and unemployment benefits; Monday to Friday, 9:00 a.m.–3:30 p.m. (closes Wednesdays at 12:30 p.m.).

National Lawyers Guild: 617.227.7008; lawyer referral service for low-income clients; Monday to Friday, 9:00 a.m.–3:00 p.m.; English and Spanish.

State Agency Help

DCF Ombudsman’s Office (to register complaints): 617.748.2444.

Office of the Child Advocate: 617.979.8360; for concerns about the services your child is receiving from a state agency.

Department of Children and Families, Central Office: 617.748.2000; 8:45 a.m.–5:00 p.m.

You’ll find many more resource listings on the Statewide Resource List at the back of this guide.

Keep your cool as best you can, learn along the way, listen to the experience of those who have already traveled this path, and it will be easier.

Good luck.

Rose Charrier	Michael Rhodes
Robin J. Clemens	Isabel Rosado
Sandra Cochran	Sabrina (Wright) Sharkey
Michael Davis	Leontyne (Leah) Smith
Tim Hairston	Marcia Winfrey
Jose Plazo	

Note: If you have filed a Child in Need of Services (“CHINS”) petition, then some of the information in this guide will not apply. A good resource for working with DCF on a CHINS case is Kids and the Law: A User’s Guide to the Court System, a booklet available from Adolescent Consultation Services, 189 Cambridge Street, Cambridge, MA 02141, 617.494.0135. The guide is also available in Spanish and Khmer.

Acknowledgments

This guide was written by parents who have had children placed in foster care by the Department of Children and Families. The purpose of the guide is to provide information and support to other parents whose children have been removed from their care. The parents/authors were recruited to this project by the Family Nurturing Center (www.familynurturing.org) and Parents Helping Parents (www.parentshelpingparents.org), two nonprofit organizations and advocates who oversaw the project and helped to shape it. A committee of parents with involvement in the Massachusetts child protective system will continue to update the guide and promote its use.

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This guide is not meant to serve as legal advice, but rather, as a source of information to help you be a strong advocate for yourself and your child/ren. If you do not understand something in the guide or have difficulty keeping notes or a journal of your meetings and appointments, speak to your attorney or ask someone you trust to help you or call The Parental Stress Line at 1.800.632.8188.

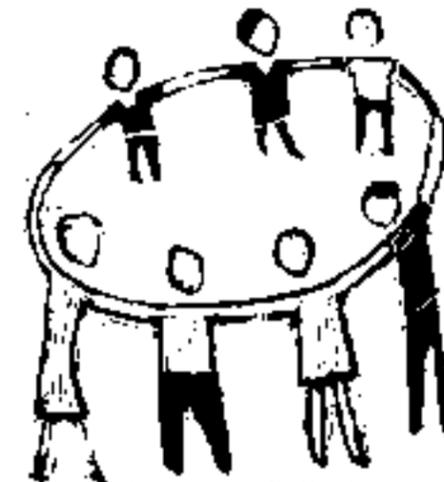


Image courtesy of Rise Magazine

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1: Answering First Questions

“Yes, it is true that the Commonwealth of Massachusetts has the right to take your child from your house, from his or her school, or from a hospital! When it happened to me, I was in shock. When you lose your child, you feel like you’ve lost everything. You wonder who is taking care of your child. I was so confused and so angry! Those were the worst nights of my life. I screamed for what seemed like days. I couldn’t hear anyone.”

What is the Department of Children and Families?

The Massachusetts Department of Children and Families (“DCF”), formerly known as the Department of Social Services, is the state’s child protection agency. Its mission is to protect children from abuse and neglect and to strengthen families. For more information about DCF’s work and the various resources it provides for families and children, visit its website. Go to www.mass.gov and enter “Department of Children and Families” in the search box at the top right of the screen.

We hope this guide will help you work with DCF so that you can create the best outcomes for your child/ren and family.

What do I do right now?

This is a scary time. Your child has just been taken from you. You may not understand why your child was removed from your home. You may not agree with DCF’s reason for taking your child.

Where do you start?

- **First, take care of yourself. Find someone you trust, someone with whom you can share your feelings.**
- **Second, contact a lawyer. Hire a private lawyer if you can afford one, or speak to your court-appointed lawyer if the court has given you one. (For more information on this, see Chapter 7 “Understanding the Legal System” page 24.)**
- **Third, you have a lot to learn about yourself, about DCF and the courts, and about the people who will be trying to help you. Start by reading this guide.**

You are beginning a difficult journey in parenting, and you will need help. You are being asked to meet new people, listen to new information, and find new ways to act. Get calm, stay focused, and learn. Knowledge is the key to your success.

Why did DCF remove my child from my house?

“Do not expect that all the people who are involved in this case will see things the same way you do.”

DCF took your child away from you because DCF received a report that your child was being abused or neglected or was in danger of being abused or neglected. After investigating the report, a DCF worker and his or her supervisor decided that there was a significant chance that your child would continue to be abused or neglected and needed to be placed in foster care.

In addition to serious bodily harm and emotional abuse, “Abuse or Neglect” includes allowing a child to live in unhealthy and/or dirty conditions or to live without adequate food, clothing, heat, or medical care. DCF also considers taking drugs in the presence of a child, failing to supervise a child properly, failing to keep the child safe from other people who may abuse the child, or failing to require a child who is under sixteen to attend school to be neglect. Neglect is also allowing a child to see or hear domestic violence.

You have the right to ask to see reports the DCF workers have written about you. If you want to see them, ask your DCF worker or supervisor. If they decline to provide copies of the reports you want to see, you should make an appointment with the Area Director or Area Clinical Manager. If they also decline your request, you should send a letter of request to Commissioner Angelo McClain, DCF, 24 Farnsworth St., Boston, MA 02210.

DCF does not need to go to court before removing children from their homes. In an emergency, DCF can remove a child right away if it believes it needs to protect the child from further abuse or neglect. The department then must file a “care and protection” petition in court on the next business day. If DCF removes a child on a Friday, it does not need to file a care and protection petition until the following Monday.

Where is my child?

“I found myself saying that I couldn’t be angry with these people because they had my child.”

When DCF removes children from a family, they can place the children anywhere the DCF worker thinks is appropriate. You have very little to say about where your child is placed. DCF is unlikely to tell you exactly where your child is placed, to prevent you (or someone else) from trying to make unauthorized contact. The most common placement is a foster home. Other arrangements include kinship care (with a family member or friend), group homes, medical care settings (including medical foster homes), and residential treatment programs. When someone says that a child has been “placed in foster care,” the “foster” child could be placed in any of these types of settings. Your child may be placed with the other parent if that parent doesn’t live with you.

If you have more than one child, your children may or may not be placed together, depending on the individual needs of each child and the available foster home space.

In the “Resources and Tools” section at the back of this guide, Section H “Information About My Child” page 47, there is a form you can complete and give to DCF. It provides important information about each of your children, which will help to ensure that each child receives as appropriate a placement as possible.

Kinship Care or Kinship Placements

DCF’s policy is to place children with their kin or relatives (grandparents, aunts, uncles, cousins, and others), or with family friends, because this often makes things easier for the children. *If you have a relative or family friend with whom you would like your child placed, give the DCF worker the person’s name, address, and phone number right away.* If you need to check with your relative or friend first, do so as quickly as possible and then let your DCF worker know. Tell your worker what your kin is willing to do -- even if the relative or friend is not in a position to take care of your child/ren for a long time.

Because these families have not been trained by DCF to be foster parents, they must fill out paperwork and get approved by DCF. Before placing a child with a relative, DCF will do a background check, including CORIs (Criminal Offender Record Information) on all household members over age fourteen. DCF also will complete a home study (looking at the condition and safety of the home) before placing the child with the friend or family member. Sometimes relatives or friends are paid a stipend to help with the cost of caring for your child.

Foster Care

If there is no relative or friend available or DCF does not think that the relative or friend would be an appropriate placement for the child, DCF will place the child in a foster home. Foster homes are private homes of families who have agreed to take care of children. These families are called “foster families” or “foster parents.” Foster parents are screened by DCF and must complete a twelve-week training program. In most cases, they are caring individuals who are opening their homes to others. They receive a small monthly stipend from DCF for each child placed in their home. A DCF worker is required to make a monthly visit to the foster home to see the child. Children placed in foster homes will usually attend the local public school where the foster home is located.

“My child was put in foster care twice. The first time—the foster mother was willing to talk with me and let me talk to my child. The second time, the foster parents were really mean to my daughter and me.”

Specialized Foster Care

“Specialized Foster Care” or “Intensive Foster Care” both describe a foster home where the foster parents have received special training to take care of children who have special medical or emotional needs or need extra care. If your child has special medical or mental health needs, you should tell the DCF worker immediately so that your child will be placed where s/he can receive the appropriate specialized care.

Group Homes

If a child needs more structure or supervision than a foster home can give, or if there are no available foster homes, the child may be placed in a group home. Group homes can host six, ten, or even more children, either single sex or mixed. Children placed in group homes are almost always at least ten years old. Group home staff cares for them. The children will usually attend the local public school in the area where the group home is located.

Residential Treatment Programs

Residential treatment programs are larger than group homes, hosting up to 25 children. They take care of children with more serious problems. These programs have more staff than group homes, including doctors, nurses, and social workers. If your child has special emotional needs, DCF may place him or her first in a residential program in order to observe your child and then determine what your child’s needs are and where your child should be placed later.

Some residential programs, called “Hospital Diversion Programs,” have extra services so that a child doesn’t have to be hospitalized. These programs are also called “Acute Residential Treatment” (“A-R-T” for short) or “short-term diagnostic.” Children are not supposed to stay in these programs for more than 45 days, although they sometimes stay longer.

Most residential treatment programs include a school with certified teachers, although some children in residential treatment programs on a long-term basis may attend the local public school.

“My daughter has been in and out of residential programs. Some are better than others. But it’s hard because a lot of them are co-ed and that means my daughter is living with boys and some are older than her. She’s learning about stuff that I would never want her to know about.”



Image courtesy of Rise Magazine and Karolina Zaniesienko.

Emergency Placement

Some foster homes, group homes, and residential programs are prepared to take children on an emergency basis. When DCF places a child in an “emergency placement,” the child will usually stay there for a short time until DCF finds a long-term placement for the child.

The staff members working in emergency placement programs are responsible for keeping children safe and providing them with food. In some cases, they, rather than the DCF worker, are responsible for the child’s medications and for setting up doctors’ appointments.

When can I see my child?

We know that you will want to see your child as soon as possible. You will want to know that s/he is okay. You will want your child to know that you love him/her and that things will work out.

You may ask DCF to see your child as soon as possible, but you should know that when DCF has legal custody of children, DCF decides when visits will take place, where they will take place, and how long they will last. Make sure that the visitation schedule and rules are written into your service plan so that you know when and how visits will be coordinated.

If your child remains in DCF’s custody after the 72-hour hearing (see page 13 to find out what this is), visits will usually take place once each week. DCF is required to give you “regular and frequent” visits with your children. If DCF does not, let your lawyer know immediately.

You should call and confirm all visits ahead of time, and you should attend all visits. If you do not, this will hurt you in court. Most important, go to all your visits because your child needs to see you whenever possible. If you have a scheduling conflict, document all the related calls you make to your worker and lawyer.

“It’s important to communicate clearly with your worker and, if you can, with the Foster Family/Group Home. I had a lot of visits canceled at the last minute. This became a problem with my job since I had been requesting the time off to go and see my son.”

When can I call my child?

If DCF allows phone contact, it will most likely limit the number of phone calls you can have, when you can call, how long your calls can be, and what you can or can’t say to your child. DCF may require another adult, such as the foster parent or a group home staff member, to listen to your conversations.

Keep the conversation simple at first and ask your child about his or her day and activities. Has s/he learned any new games? Is s/he meeting new friends at the new school? Let your child know that you love him or her, and that you’re always thinking about him or her. You don’t need to ask questions all the time. Children want to share what is going on and how they are feeling.

If DCF allows you to contact the foster family, speak with the foster parent first when you place calls to your child. Inquire about how your child is adapting to the foster home, about your child’s emotional state, about your child’s physical well-being, about school, and other subjects that will help you converse with your child and also show respect for the foster parents’ care.

Relaxed conversation with your child will likely be difficult in the beginning. If the conversation is awkward, you can ask your child if s/he feels comfortable talking at that point. If the answer is “No,” ask your caseworker to make other arrangements so your child can speak to you when and where s/he is comfortable.

Is my child safe?

DCF will try to place your child in the right kind of foster home. Foster homes have one or two trained, certified foster parents. Some are trained by DCF; some are trained by other agencies, such as Catholic Charities or DARE.

The best way to know if your child is safe is to keep in contact with your DCF worker and your child. Be sure to come to all your visits and call your child as often as you are allowed. Ask your worker about the foster family. Tell your DCF worker about any concerns you may have about the foster family or any desires you may have to work with the foster family. If you are allowed to speak to the foster parent, this is another way of ensuring your child’s well-being.

“I was concerned about his safety. You hear about these things that happen in foster care. I needed to be in touch with my child to really know he was safe.”

Will anybody tell me how my child is doing?

You have the right to know how your child is doing. It is your job to call the DCF worker and to ask about your child. Specific questions about your child’s education and health care are addressed in Chapter “5: Making Decisions About Your Child’s Care”.



Image courtesy of Rise Magazine and Thaynia Waldron.

What if I can't get in touch with my DCF worker?

Usually DCF workers return calls within 24 hours. If you are not able to get the DCF worker to answer your phone calls, ask to speak to your DCF worker's supervisor. Tell your lawyer if your DCF worker or supervisor does not answer your phone calls. If you are having trouble reaching your worker or getting your calls returned, keep a journal of where and when you left messages.

You may also call the DCF Ombudsman's office at 617.748.2444 between 8:45 a.m. and 5:00 p.m. to report the problem. The Ombudsman's job is to respond, mediate, and resolve (if possible) any issues of concern to DCF clients and other concerned citizens regarding agency programs, policies, or service delivery.

Why do I need my own lawyer now?

DCF has decided that you should not be taking care of your own child, and DCF is going to court to ask a judge to agree. A lawyer is the professional who can help you get your child back or work toward whatever goal you set. A lawyer can help you have a voice in deciding what happens to your child and in shaping what your role will be as the parent. When you go to court, you will need a lawyer to speak on your behalf and to help you navigate this difficult, complicated situation.

Don't delay. You want to speak with your own lawyer before you speak to anyone at DCF regarding your case, if that is possible.

How do I get a lawyer?

You may ask the court to give you a court-appointed lawyer or you may hire your own lawyer.

“DCF told me right away that my kid had a lawyer and that I had a right to one too.”

What about a court-appointed lawyer?

Will I have to pay for a court-appointed lawyer?

Parents who are “indigent” (unable to afford a lawyer) have a right to a lawyer appointed by the court. Some courts will give you a lawyer before you get to the courthouse. You will then need to show that you are indigent after you get to court. If you are not indigent, the judge will take your lawyer off the case. Some courts will give you a lawyer only after you get to the courthouse and show that you are indigent.

Parents must complete paperwork at the courthouse about income, expenses, and home ownership. A probation officer will interview you for more details, to decide whether you are income-eligible for a court-appointed lawyer. Bring documents with you to court that show your income, debt, and expenses.

Parents who earn or have too much money for a free court-appointed lawyer may still be able to get a lawyer for a reduced fee. Those parents (known as “indigent but able to contribute”) will pay a certain hourly or monthly fee to the court for the appointed lawyer. A monthly payment plan can be arranged.

All parents must pay a one-time counsel fee of \$150, unless the judge determines that paying this fee would be a hardship to the parent.

What if the probation officer or the judge decides I make or have too much money for a court-appointed lawyer?

If you believe that the probation officer's decision is wrong, you can ask the judge to decide. If the judge also says no, you will have to hire your own lawyer.

For assistance finding a lawyer, ask the Clerk's Office in the courthouse for a list of lawyers who practice child welfare law or contact a legal service agency to ask for a lawyer. (See the listings in Chapter 10: Resources and Tools “B: Getting the Support You Need: A Statewide Resource List” page 39.)

You may also go to court without a lawyer. This is called appearing “pro se” (for yourself). It is our experience that it is very hard to represent yourself in care and protection cases because you typically need a legal background to be successful.

What if I don't like my court-appointed lawyer?

If you are unhappy with the job that your lawyer is doing, tell the lawyer why you are unhappy. Try to work out any differences. If you cannot work things out, as a last resort you may ask your lawyer to withdraw from your case. The judge will decide if your lawyer can withdraw. The judge will also decide whether to give you a different lawyer. Judges usually will not replace a lawyer unless there is a good reason. They also usually will not give you a new lawyer if you are very close to the day of the trial.



Image courtesy of Rise Magazine and Freddy Bruce.

“My lawyer was good at first, really working with me and calling me back. Now he doesn't. Be persistent!”

How do I work with my lawyer?

Does my lawyer work for me, for DCF, or for the judge?

Your lawyer works for you. Your lawyer does not work for DCF or the judge or your child. No matter who pays for the lawyer, the lawyer works for and represents you. Expected performance standards for court-appointed lawyers can be found at the website for the Committee for Public Counsel Services, www.publiccounsel.net, under “Assigned Counsel Manual.”

“When I entered the courtroom, I wasn't sure who my lawyer was working for since he spent so much time talking to the DCF lawyer and my child's lawyer. The courtroom can look very lopsided with only you and your lawyer on one side of the room and DCF, its lawyer, and your child's lawyer on the opposite side of the room.”

How will the lawyer know what I want?

It is your job to tell your lawyer what you want to happen with your family. For instance, you may want your child returned to your home immediately, or you may want the child's other parent to have custody, or you may want to receive services before your child comes home. You have the right to hold private, confidential conversations with your lawyer.

Once you tell your lawyer what you want, it is your lawyer's job to work toward that goal. Your lawyer will talk to DCF, the other lawyers, and the judge about your case, but your lawyer always works for you and you alone. Your lawyer may be friendly with the other lawyers or the judge. They may have worked together in the same courtroom for years. But that does not mean that your lawyer works for anybody but you. If you have any concerns, talk to your lawyer about it.

See Chapter 7 “Understanding the Legal System” page 24, for more information on the legal process.

“I had no idea what to say to people other than that I wanted my kids back home with me.”

“My court-appointed lawyer was very good at helping me get my children back. I'm very lucky I had her on my side. I guess the court system works after all if you work hard and you accept responsibility for what happened.”

2: Helping Yourself Helps Your Child



Image courtesy of Rise Magazine and Alice Huang.

“Make sure you know the reason why DCF is involved in your life... violence, drugs, alcohol, neglect, a mistake. Take responsibility for your part. Don't wait for a social worker to make the first move in deciding what actions or help you need; do it yourself if possible! Not only will this save time, but also it will show DCF that you are working hard to get your child back. Get your personal life in order and take control... baby steps at first and gradually it will be easier.”

This is a very emotional time. You may be scared, frustrated, and lonely. You may feel like you don't have anyone you can trust. Your feelings are understandable. Go home; cry, scream, curse, or do whatever gives you relief at the moment. But do not give in to stress by doing things that will only make the situation worse, such as drinking alcohol or doing drugs or screaming at DCF workers, court staff, or the judge.

There are places you can turn to for help. They will offer you emotional support and will help you sort through this traumatic situation. Reach out to family members or friends whom you know you can depend on for support. You can find a list of free resources that may be helpful in the back of this guide,

see the listings in Chapter 10: Resources and Tools “B: Getting the Support You Need: A Statewide Resource List” page 39.

Keep a picture of your kids with you at all times. This will remind you of what you are working for.

“Reach out for help and find someone you can talk to. Join a Parents Helping Parents support group or find a social worker or, if you are in AA or NA, find a sponsor.”

In order to take care of your child/ren, you must be able to take care of yourself. In this chapter, you'll read about resources that helped us to take care of ourselves.

Parenting Support

What are Parenting Groups?

There are many different types of parenting groups. There are parent support groups, parent education groups and parent groups that focus on parenting a child with specific health or education needs. The goal of each group is to provide a non-judgmental, supportive environment where parents are able to share their concerns and learn positive parenting skills that will help them have loving relationships with their children.

Can I speak freely in my parenting group?

Yes, you can speak freely in your parenting group. The people running the groups understand the stresses of being a parent and are there to help and support you. However, if you say that you are going to hurt yourself or someone else, the group leaders are required by law to report that. They must file a 51A report if you disclose that you have abused or neglected your child. In most cases, the group leader will talk with you about this and together you will determine the next steps. You can always ask the group leader how they handle situations like this.

Advocates and Family Partners

“The night before court, I'd be unable to sleep, thinking about it. Worrying about having to testify was nerve-wracking. The thing that helped me to get through it was having my parent advocate with me. Her presence reassured me.”

Where can I find an advocate for me as a parent or for my whole family?

Some DCF offices and some private agencies – especially mental health agencies – have Parent Advocates or Family Partners who can support you and advocate with you. They are trained to help you make your voice and view heard with DCF, other professionals, and the court.

If your child is receiving mental health services, you can ask that a Family Partner be assigned to help you. You can also ask DCF if there is a Family Resource Center where you could find a Parent Advocate to help you. Some community-based agencies and schools have a person who can advocate for you or your family. If you attend a support group, sometimes another parent in the group is willing to be an advocate for you. If getting an advocate is important to you, keep asking and eventually you will probably get some help.

Counseling

What is counseling?

A counselor is a professional who can talk to you about your emotional well-being and help you advocate for yourself. Counseling is a chance for you to share with a trained counselor, social worker, priest/pastor/rabbi/imam, or therapist your feelings about the things you are experiencing and about events in your life. This kind of one-on-one sharing allows for opinions, advice, and support to be given to you in order to help you understand yourself and help you address specific problems or concerns you may have.

Can I speak freely to my therapist, counselor, social worker, or priest/pastor/rabbi/imam? Or will my counselor tell others what I say?

No matter what type of professional you see for counseling, most conversations with a counselor are confidential (private) by law. But remember that all types of counselors are “mandated reporters.” This means that if they learn about abuse or neglect of a child, they are required by law to report it to DCF. If they believe that you might hurt yourself or someone else, they must report it to the police, DCF, or other appropriate authorities.

In certain cases, DCF's lawyer can go to court and get your records from a therapist or other counselor. If that happens, the judge decides whether DCF can see and use your records. It is important to talk to your lawyer and your counselor about what you should or shouldn't discuss with a counselor.



Image courtesy of Rise Magazine and Patricia Battles.

This law also applies to drug counselors and domestic violence counselors. Clients in batterer intervention programs do not have the same kind of confidentiality legal protections as clients in other types of counseling. Talk to your lawyer for a more complete explanation of the differences.

Anger Management Classes

How can anger management classes help me?

Anger management classes can help teach new ways to think, feel and act in stressful situations. If you think this would help you, ask your worker to find an anger management group for you.

“I went to an anger management class and it helped me a lot. I can still get really angry, but now I know better ways to act when I'm really angry. I can see the difference this has made with my daughter and me when she does something I don't want her to do.”

Alcohol and Drug Counseling

Is there a program to help me if I have an alcohol or drug problem?

There are many types of programs to help you if you have a problem with alcohol or drugs: Inpatient treatment centers, outpatient counseling, drug therapy, and recovery programs such as Alcoholics Anonymous and Narcotics Anonymous.

You will want to create a safety plan for yourself to help you deal with the effects of alcohol and drug involvement. Your alcohol or drug counselor can help you with this.

What type of help is there for my family?

Addiction is a family disease, with each member suffering from its devastating effects; therefore, each member of the family can benefit from support during someone's recovery process. Al-Anon and Nar-Anon are 12-step recovery programs that help family and friends of people with addiction problems.

“Part of my safety plan meant telling a friend that I was going to a party, but that I promised I would not have a drink. I knew she would ask me and I didn't want to lie to her, so that helped me to not drink at the party.”

You'll find additional resources in Chapter 10: Resources and Tools “B: Getting the Support You Need: A Statewide Resource List” page 39.

How can I stay safe from domestic violence?

“In order for us to create a safe place for our children, we first must create a safe place for ourselves.”

What if I have been hurt or threatened by my partner or a family member?

If you are in an unsafe situation and are being hurt or threatened, develop a safety plan. Write it down, collect all the pieces in a folder or envelope, and keep it some place where you can have easy access to it in an emergency.

A safety plan should include names and numbers of people you trust who can help you if you are in trouble. This plan should include ways to get to a safe place in an emergency. Other things that might go into your safety plan: Bank account access information, social security cards, leases, birth certificates, and other important documents. If you live with someone who sometimes makes you feel unsafe, consider moving to a friend's home or to a shelter, if necessary.

If you are in immediate danger, call 911 or go to your local Police Station. You may be advised to ask for a protective/restraining order, often called a "209A."



Image courtesy of Rise Magazine.

There are several types of services and supports available to victims/survivors of domestic violence, including counseling, support groups, and advocacy services. These resources will assist you with legal matters, finding shelter, and other important community-based services. Call Safe Link toll-free at 1.877.785.2020 or 1.877.521.2601 (TTY) for help, or visit www.janedoe.org online for additional information.

If you're comfortable asking DCF for help, the Department of Children and Families' Domestic Violence Unit (617.748.2333) is a good resource for services. You may also call the police and/or a domestic violence shelter. Anyone who is a victim of domestic violence and is involved with DCF is entitled to information regarding his or her legal rights and safety options.

If you are not getting the services you feel you need, (for example, drug treatment or mental health counseling), tell your DCF worker and tell your attorney. Explain why you feel you need the service and ask for help getting it. Remember to write down in your notebook the date of this request and what you asked for.

3: Learning Quickly: The First Days

“When DCF came and took my children, I was afraid I would never see them again. I didn't know what would happen. I didn't know what to expect.”

Why is a DCF worker visiting my home?”

Within the first week, as part of your case, a DCF worker will call you to schedule a visit to your home. Arrange to have your lawyer present for this visit. Reschedule if your lawyer cannot be there at that time. (If the DCF worker visits your home before DCF files your case, you will not yet have a lawyer.)

You may want to prepare for the visit by talking to your lawyer ahead of time about what you should say to the DCF investigator. It is in your best interest to present yourself as a responsible parent who loves your child and provides a loving, safe, and clean home.

The worker will come to interview you about your family. S/he will talk with you about what happened in the situation or incident that led to the removal and explain why DCF was so concerned about your child's safety. The worker will also talk to you to find out if you or your family needs help or information about support services.

Before the DCF worker leaves, ask for his/her business card and contact information. Also make sure to find out when you need to appear in court and get dates, addresses, and times

When do I get to go to court to try to get my child back?

You have the right to go in front of the judge within three days after DCF removes your child. This hearing is called the “72-Hour Hearing,” because it must be held within 72 hours (three days) after removing the child. Sometimes the 72-hour hearing takes place sooner, and sometimes later. Your lawyer might ask for a delay in order to prepare more thoroughly for the hearing. Your child's lawyer, who is appointed by the court when your child is removed from your home, might ask for a delay in order to meet with your child and decide whether to argue for the child to return home to you or to remain in DCF's legal custody. Sometimes the judge delays the hearing because of illness or scheduling problems. If the delay is long and you do not agree to it, you should ask your lawyer to try to have the hearing held sooner.

Talk with your lawyer about the 72-hour hearing and agree on a plan for how it will be handled.

“The first time I went to court I was very nervous and I couldn't understand anything. I wanted it to be over with. All I could think about was wanting my son home with me. It was such a fearful time.”

How does DCF get approval from a judge to keep my child?

In some courts, including the Boston Juvenile Court, DCF often brings parents and children to court when the agency first asks the judge to give it custody. This is called the “preliminary hearing.” At the preliminary hearing, you will be given a lawyer if you are indigent. You and your lawyer may be able to make a very brief argument to the judge that you should keep custody of your child. If you do not succeed, you will have to wait for the 72-hour hearing and ask then for the judge to return custody to you.



Image courtesy of Rise Magazine and Carlos Rios.

In other courts, DCF usually removes the children first, and later comes to court to ask the judge to approve the agency's actions. In those courts, the first time a parent usually comes to court is the 72-hour hearing.

What will happen at the 72-hour hearing?

At this hearing, the lawyers will give the judge documents (mostly DCF's records, but maybe medical or mental health records as well) and call on witnesses to testify about your case.

The lawyers will ask each witness specific questions and the witnesses will answer. Sometimes the judge will ask the witnesses questions. You may not agree with what the DCF worker or other witnesses say about you or your child. If you do not agree, tell your lawyer about it when there is a “recess” (break) in the hearing or write your lawyer a note.

You must be polite and silent when the witnesses or lawyers are speaking in the courtroom. If you shout or make faces, the judge may hold that against you. If you wish, you may take notes during the hearing. You may also ask a friend to write some notes for you if you need assistance. Ask your lawyer if you may sit next to him/her.

How long will a 72-hour hearing last?

The 72-hour hearing may take only a few minutes if you and the other parent are not challenging DCF's removal of your children. If you are challenging the removal because you want your children returned to you immediately, or if you want your children to live with a friend or relative and DCF does not agree, your hearing could take an hour, several hours, or even several days. The judge may start the hearing on one day and continue it on another day. The next hearing date may be the next business day, or it might not be for several days or even weeks. The 72-hour hearing is like a short trial. There are witnesses, documents from DCF (and sometimes from the police or other sources), and arguments from lawyers.

Will I get to tell my side of the story?

Yes, you have a right to tell your story and to defend yourself. If you have a lawyer, your lawyer will explain to you how you will be able to do this. Telling your story in court is not like telling it to a friend or a counselor. Your lawyer will tell your story to the judge. He or she may do this directly, by asking you questions and/or by asking other people questions on the witness stand. The judge may ask you questions, too. Speaking to the judge and answering questions "under oath" (swearing to tell the truth) is called "testifying."

What do I need to know about testifying?

Your lawyer will help you figure out what you want to say to the judge and how to say it. But once you are on the witness stand, you are on your own to answer questions as best you can. Sometimes you can bring notes with you, but most of the time you cannot. Your lawyer will explain how you should sit or stand and how you should act when you are testifying. It is important to listen carefully to the questions asked, and to answer only the question asked. If you don't understand a question, say so.

In some cases, it may not be a good idea for parents to testify. For example, it may not be a good idea to testify if you are being charged with a crime in another court or may be charged later. Your lawyer will tell you if he or she believes it is not a good idea for you to testify.

“When you are on the witness stand, your nerves have the best of you and it feels like you're being bombarded with questions. Take deep breaths and slow yourself down with “self talk.” Think before you speak. Look at your lawyer for a cue. Listening and focusing are key. One step and one question at a time.”

Do I have to testify?

You do not have to testify. But if you do not, the judge might hold that against you. When DCF claims that you have problems caring for your child, the judge expects that you will testify and explain that what DCF says is not true, or, if it is true, that you still do a good job caring for your child. If you do not testify, the judge may decide that what DCF says about you is true. Your lawyer will explain to you why you should (or should not) testify.

Can I get other people to speak to the judge on my behalf?

You may be able to have family members, neighbors, friends, or your service providers (such as therapists, counselors or group leaders) testify on your behalf. Make sure your lawyer knows about these people as soon as possible, so that your lawyer can arrange to get them to court. It is up to the lawyer to decide whether it is a good strategy to call some or all of the witnesses in your case.

What if I don't understand what's going on?

Before the hearing, ask your lawyer to explain what will happen during the hearing. It may be hard for your lawyer to speak to the judge and explain what is happening to you at the same time. During a break, ask your lawyer to explain what has happened. Sometimes your lawyer may not be able to meet you right away during a break or after the hearing because he or she has other cases that are being called. If you wish to wait, make sure you tell your lawyer that you will be waiting in the lobby.

What if I do not understand English?

If you do not speak English well enough to understand what is happening at court, your lawyer will ask the judge to get you an interpreter. The interpreter will listen to you in your own language and then tell the judge what you said in English. The interpreter will also tell you in your own language what the other people in the courtroom are saying. The interpreter can also translate for you and your lawyer outside of the courtroom.



Image courtesy of Rise Magazine and Joshua Hecto.

What decisions can I expect the judge to make at a 72-hour hearing?

The judge will announce a decision at the end of the 72-hour hearing.

The judge may:

- Return your child home to you. If the judge does this, he or she might require you to do certain activities, such as drug testing or cooperating with DCF, in order to keep your child in your home.
- Give temporary custody of your child to someone else, such as the child's other parent, a relative, or a family friend.
- Give DCF temporary custody of your child.
- Accept an agreement negotiated, by your lawyer, between you and DCF. (See "stipulating," below.)

What is temporary custody?

When DCF has temporary custody, it generally means that the agency has custody until after the trial or until DCF decides that it wants to ask the judge to give custody back to you or to someone else. When another person (such as a friend or family member) has temporary custody, the judge can change the order at any time.

What is "stipulating"?

Your lawyer may explain to you about "settling" or "stipulating" at the 72-hour hearing. There are many ways to settle at the 72-hour hearing. A common way is that a parent agrees to give DCF temporary custody, but DCF agrees to return custody to the parent soon if the parent participates in certain services (such as counseling or drug testing) or takes certain actions (such as getting a restraining order against an abusive partner or finding proper housing). You should discuss any proposed settlement or stipulation with your lawyer. It is important that you understand it completely.

What if I don't agree with what the judge decided at the 72-hour hearing?

Discuss with your lawyer what happened at the 72-hour hearing so that you understand what the judge ordered. You may be able to appeal the results of the hearing to a higher court. This kind of appeal is very unusual. Ask your lawyer if he or she believes that an appeal would be helpful.

“The journey through the court system to reunification is like a roller coaster ride. It goes up and down, it has twists and turns that never end, and for me it has yet to come to a stop.”

Who are the other people involved in my case?

Many people will want to talk with you and get information from you. Make sure you check with your lawyer before talking to other people about your case. Keep a list of all the people who contact you and write down their phone numbers.

Who will come to my home to interview me?

“Lawyers, workers, probation officers, all these people! I already felt like the worst mom and now I felt that all these people were judging me to be the worst mom, too. It was extremely overwhelming trying to keep up.”

Many individuals will come to your home and interview you after your hearing. Each person will be looking at you and your home in order to decide whether your child should be returned to you. Therefore, you want to make a good impression. You should make sure your home is clean and tidy. You should always be respectful, even if the questions they ask or the comments they make are disturbing or suggest that you have not treated your child well. What you say and do and how your home looks will be reported back to the court, sometimes in a written report. Your conversations with these interviewers are not private or confidential. Nothing is "off the record." Ask for your lawyer to be present if you think you need help answering questions. If you need a translator, ask your lawyer for one.

• **Probation Officer.** A probation officer is assigned in every care and protection case (situations where DCF removes your child). The probation officer, who is an employee of the court, may come to your home and write a brief report to the judge. The report usually will be about the condition of your home, but might include whether you are participating in services and programs and whatever the probation officer believes is in the best interests of your child.

• **Court Investigator.** A court investigator is assigned in every care and protection case. This person is usually a lawyer or psychologist. The court investigator works for the judge. He or she will interview you, your child, and many other people who know about your child and your family. The court investigator will write a long report to the judge (sometimes as long as 50 pages). Your lawyer should be with you when the court investigator interviews you. Be prepared for this meeting. Bring a list of names and phone numbers of people who will say good things about you.

• **Child's Lawyer.** If your child is living with you, your child's lawyer will come to your house. If your child is in foster care, the child's lawyer may still want to meet you and see your home. You do not have to speak to your child's lawyer. You should tell your lawyer that the child's lawyer wants to speak to you. If you agree to speak with him or her, your lawyer should be present during this interview.

• **Guardian ad Litem (GAL).** Sometimes judges will appoint a guardian ad litem, or GAL, for your child. There are different types of GALs. Some will interview you and other people you know and then report back to the judge about what they learned. Others are appointed to help the judge decide whether your child should have important medical procedures or be given certain medications. Other GALs are appointed as "next friend" for your child. A "next friend" GAL will help your child's lawyer decide whether to fight for your child to return home, to stay in foster care, or to be freed for adoption. Sometimes judges appoint GALs to help parents work with their lawyers.

• **DCF Workers.** DCF workers will come to your home. These DCF workers have different titles and different jobs. Some DCF workers investigate Section 51A reports of suspected abuse and neglect; they are called "investigators" or "51B investigators." Others conduct assessments of your family; they are called "assessment workers." Others work with the family for months or years at a time; they are called "ongoing workers." Ongoing workers usually come to your home once each month. If DCF's goal for your child is adoption, your child will be assigned an "adoption worker." Later, the adoption worker may work with you, as well.

• **Others.** Sometimes service providers and people from other agencies will come to your home. These people may be home health aides, visiting nurses, parenting coordinators, social workers, parent advocates, family advocates or Family Partners. They may be from private agencies, such as Catholic Charities or Communities for People, or from state agencies, such as the Department of Mental Health.

What do I say to these people? Do I have to cooperate with them?

The court investigator's job is to write a report for the judge within about two months of the first hearing. It is important for you to have a good interview with the investigator so that you can get your side of the story to the judge. You do not have to answer questions that make you uncomfortable, but the investigator will write in the report that you did not answer certain questions. You want to make the best possible impression on the investigator, so you want to appear open and cooperative. Give the investigator names and phone numbers of people to talk to about you, but only if you are very sure that those people will say good things about you. Speak to your lawyer before you give the investigator any names and before signing any papers or releases.

You cannot speak to an investigator "off the record." Nothing you say to a court investigator, a GAL, or a probation officer is private or confidential. Everything you say may be put into a report, told to the judge, to DCF, and to the other lawyers involved in your case. The only person who will keep your conversations private is your lawyer.

"Bite your tongue and answer only what is asked in the shortest possible answer. If someone asks you something you're not sure about, don't be afraid to respond by saying, 'Let me think about that and get back to you later.'"

Your lawyer may give you specific directions about people you should (or should not) speak to, and what you should (or should not) say to them. Therefore, you must talk to your lawyer about any meeting you are going to have with a court investigator, GAL, probation officer, or DCF worker.

What if I forget to tell them important information during the interview?

If you forget to tell the investigator, a GAL, or a probation officer anything during an interview, or if you want to correct a mistake you made during the interview, explain the problem to your lawyer. Only contact the interviewer if your lawyer agrees that you should do so. Make sure that you have phone numbers for the people who interview you, just in case you need to contact them later.

Will my lawyer be there for other interviews?

Ask your lawyer to be present for all interviews and meetings. For example, when the court investigator calls you to set up an interview time, tell the investigator that you want your lawyer with you during the interview. Then make sure you tell your lawyer when the investigator is coming to your home. If your lawyer cannot be there, try to reschedule the meeting with the investigator for a time when your lawyer can attend.

Why is my child's other parent involved?

The law requires that DCF notify both parents when it files a care and protection petition. DCF often tries to call the other parent in order to make sure that s/he knows about the case. If DCF can't reach the other parent by phone, the DCF worker may go to that parent's last known address to try to tell him or her about the case. If that does not work, DCF will send the other parent a "summons" (a notice to come to court), delivered by a sheriff or constable. If DCF does not have an address for the other parent, it may publish a notice in the local newspaper in order to find him or her.

Both parents receive notice and are allowed to take part in court hearings, even if one parent has not paid child support or has not seen the child in a long time. It does not matter if the parents are married or not.

"In my case, my child's mother (we weren't married) had a big problem and I had to learn quickly not to focus on 'fixing' her. I had to remember to focus on my son and myself. So remember to focus only on yourself and on what you need to do to get your child back. If you focus on the other parent, you'll go backwards."

How do I get my child home?

Now more than ever is the time to take care of yourself, because your child needs you. You will need your emotional, mental, and physical strength to advocate effectively for your child and for yourself. Reach out to other parents who have shared similar experiences for support, advice, information, and friendship.

"Join a support group or parenting group in your area. Do this before DCF tells you to do it or before they put it on your service plan. They will always ask you what you have done on your own or whether you joined something without being told to."

Check out Rise Magazine at www.risemagazine.org. There, you can read stories about other parents who have gone through similar situations.

Follow the service plan that you and your worker have agreed upon. Review the service plan with your lawyer before you sign it. (See Chapter 8 "Creating Your Service Plan" page 30 for more about service plans.) Make sure you complete everything you are supposed to do! If you have questions about your service plan or feel that it needs to be changed over time, ask your worker for more information and/or help.

You have a choice. If you choose to do what is required of you, you are choosing to improve yourself and your life, so that your child may be returned as soon as possible.

Set your priorities straight—for yourself and for your child/ren. Don't worry about the other parent or other friends or family members. Just think about yourself and your child/ren and what you need to be healthy and strong.

"No matter how many hurdles you have to jump—and DCF will often keep adding more of them and they will get higher and higher—remember that the ultimate goal is getting your kids back."

"Doing what's in your service plan may be the only way you'll get your child back."

"I was incarcerated at the time. I wanted to know what I needed to do to get my kid back. The caseworker was cool at first and then stopped visiting me. I was asking to find out what I needed to do. As soon as I got out, I had my list of what I needed to do. Communication is key. You can get a lot done."



Image courtesy of Rise Magazine and Thaynia Waldron.

4: Visiting Your Child

“Unless you have a really good reason not to, go to the visit. Pick your battles. Is the location of the visit really important or is it more important that you get to see your child?”

DCF wants me to have visits at the DCF office. Do I have to go there?

If DCF has legal custody of your child, DCF gets to choose where the visits will be held. DCF usually wants visits between you and your child to start at the DCF office. If you really can't get to the DCF office because it is too far away, talk to your lawyer about trying to get the visits moved. DCF may agree to move them to an office closer to you.

What can I do to make sure my visits happen?

Your DCF worker usually will require you to call the day before or the morning of the visit to confirm that you are coming. If the DCF worker is not in when you call, leave a message to say that you are coming, including the date and time of the visit and the name of your child. Phone the supervisor, too, and leave a message if the supervisor does not answer the call. This confirmation call is very important. If you do not call, the DCF worker will cancel the visit.

It is very difficult for your child if they expect your visit and you do not show up. Make sure you come to the DCF office a little bit early for the visit. Some DCF workers will cancel visits if you are more than ten minutes late. If this happens to you, speak to your worker's supervisor. You may want to ask the supervisor in advance about the visiting policies and what should happen if a parent is late. Remember, your child is waiting for you. It isn't good for you or your child if you are late.

“If you don't call to confirm that you are coming for the visit with your child, the visit might be cancelled. So make that call every time!”

What will visits be like?

DCF has special rooms where visits take place. Most rooms have a table, chairs, and a sofa. Some of the rooms have toys. The DCF worker usually supervises (watches) the visits.

When your child arrives, spend the time with your child. If the DCF worker tries to talk to you about the case during your visit time, politely tell the worker that you want to speak about the case when your visit is over. Don't talk about your case in front of your child.

Visits will likely be awkward at first because neither you nor your child knows how to act in this new situation and setting. These visits—so important to both of you—work best when you think in advance about how you will spend your time together in this unfamiliar setting.

Here are some tips:

- Confirm the appointment the day before or that morning – whichever the DCF worker requires.
- Arrive a few minutes early.
- Bring some of your child's favorite toys, books, games, crayons and paper.
- Bring healthy snacks (such as fruit, vegetables, crackers, rice cakes, cheese sticks, juice), with occasional treats.
- Plan ahead for fun activities that allow you to laugh with your child, be silly, or just enjoy the time together.
- If it is near your child's birthday, bring a special card and/or gift or a special treat if you can.
- Follow the guidelines your worker has given you about what you can and cannot say in front of your child.
- You may be sad, but put on a happy face for your child.
- Stay calm when visiting your child.
- Be honest with your child. It's okay to say, “I don't know.”
- Try your best to make the visit a good experience.
- Don't talk about the court case.

Remember that you will be watched and/or listened to during the visit. DCF reports to the judge everything you do at visits and bring to visits. If you do not follow the DCF guidelines about what you can and cannot say, this may affect your ability to have future visits.



Image courtesy of Rise Magazine and Elizabeth Deegan.

“Depending on your case, you cannot bring up the court situation with your child. If you do, you may be considered “non-compliant.” This would be a bad thing. My son used to ask me about his mother and about when he'd be coming home. The first time he did, I talked with him about the case. I was then told that I was being non-compliant. So be sure to get in writing what you can and cannot do. Make sure there is justification for it and make sure that you understand it.”

Why can't I have visits at the foster home?

DCF generally does not allow visits at the foster home. Foster parents have sometimes had problems with parents harassing them, and they and their family have a right to their privacy. Many foster parents do not want the biological parents to call their house. Some foster parents don't even want the biological parents to know where they live.

Sometimes the foster parents are relatives or family friends. DCF may allow visits at the foster homes if the foster parents are willing.

What can I do if I don't like DCF's visitation schedule?

Visits are almost always on weekdays during the daytime. If you do not like the visitation schedule, tell your DCF worker and see if you can create a different schedule. Give your DCF worker a schedule of the best times for you to visit. Also, tell your lawyer right away about any problems with the schedule. Your lawyer may ask the judge to make orders about visitation, although judges rarely order visitation that is different from the schedule that DCF has set up.

If you are not able to go to a visit because of illness or another reason, be sure to notify the DCF worker immediately. Your DCF worker should be able to arrange another visit if you call well ahead of time. However, if you miss a visit without advance notification, the DCF worker does not have to “make up” that visit. Try very hard not to miss a visit or be late to a visit, as this is very difficult for the child. In addition, DCF will report this to the judge.

“I really wanted to see my daughter on Christmas day but the visitation center wasn't open that day. That was really hard.”

What information should I get from my DCF worker at each visit?

- At each visit, ask the worker if there are any upcoming court dates or meetings. Write down the date, time, and location on your schedule.
- At each visit with your child, also check with the DCF worker about the date, time, and location for your next planned visit. You can look forward to your next time together if you know when it will be.

“Just knowing I would see my children again at the next visit was all I had to hold on to.”

5: Making Decisions About Your Child's Care

“It was very tough for me having someone else making decisions for my children. It is as if your values as a parent no longer matter.”

What if I don't like the way the foster parent dresses my child or fixes her hair?

If you don't like the way foster parents are caring for your child, let the DCF worker know, but do not do this in front of your child. You may have to tolerate “style” differences until your child is returned. Remember to pick your battles carefully. If you think the child is not being given proper medical treatment, let the DCF worker and your lawyer know immediately.

What about my child's education?

Will I be able to talk to people at my child's school?

When a child is in DCF custody, each situation is different. In some cases, you may not know the town where your child is living or going to school. In other situations, DCF will tell you. You may be permitted to talk to people at your child's school about your child's progress. You may be notified about meetings regarding your child.

If DCF gives you contact information for your child's new school, call your child's teacher and guidance counselor at the school to let them know that you want to be involved in your child's education and that you want to know of any problems. If the people at the school refuse to talk to you, call your DCF worker or your lawyer for help.

If your child stays in the same school after removal from your house, contact your child's current school/teachers and set up times to speak with them. It's a good idea to stay involved with your child's school, assuming that you find the school staff to be supportive of you as a parent. Participate in activities at the school (PTO or PTA meetings, volunteering, etc.).

Before you visit the school or volunteer there, check with your lawyer to see if you are allowed to see or talk to your child at these activities, as each situation is different. School personnel may ask you to get permission from DCF before they will speak to you. Ask your DCF worker about this. If the DCF worker won't cooperate, make an appointment to see the DCF supervisor. If you are still unsatisfied, talk with your lawyer or call the DCF Ombudsman's Office at 617.748.2444. (See Glossary on page 37 for an explanation of Ombudsman.)

If staff members at your child's school are not supportive of you and the goals you are working toward for your family, you may not want to talk with them, as they will not help your situation. If the school perceives you as bothering them, this may make your case worse. It could be held against you in court.

Who makes educational decisions about my child?

While your child is in DCF's custody, DCF makes all educational decisions except those involving special education. If your child has special education needs, the foster parent may be the educational decision-maker. If your child is in a residential placement, a “parent surrogate” must be appointed by the Department of Education or by the Juvenile Court. This person may contact you about any important school decisions that are going to be made about your child. Typically, parents do not have the right to attend IEP meetings if their child is in DCF custody, but each case is unique so it is best to consult your lawyer about this. You can always ask the DCF worker or school guidance counselor for permission to attend the IEP meeting.

Who will be in charge of my child's medical care?

Will my child have the same doctors?

Your child probably will not have the same doctors unless the kinship or foster parent lives in the same area as you. Contact your child's doctor and dentist to get a copy of your child's records. Pass these along to DCF to give to the new pediatrician and dentist.

If DCF requires you to make an appointment for a check-up for your child, or if you have a concern about your child's health, ask your DCF worker which pediatrician you should call.

If your child has an illness and it is important to maintain care with a certain doctor, or if a medical specialist is caring for your child, be sure to let DCF and your lawyer know.

Will I be able to talk to my child's pediatrician?

You will need to ask DCF's permission to talk to your child's pediatrician. DCF may have to sign a release for the doctor to speak with you. Doctors' offices and hospitals have very strict rules about talking to people, even parents, about their patients. If DCF does not give you permission to speak to your child's doctors, tell your lawyer immediately. Your lawyer may be able to help you either by negotiating with DCF or by asking the judge.

Who makes medical decisions about my child?

DCF can make some medical decisions about your child, such as having your child see the doctor for check-ups or a dentist for cleanings. DCF may approve simple medical procedures. DCF also can make decisions about having your child take certain medications. However, for any larger decisions, like surgery, DCF must go to the judge for permission. The judge must hold a hearing about major medical decisions for children in DCF custody. You can take part in this hearing with your lawyer's help. The judge must also decide if your child should be put on certain medications to help your child's mental health.

“My son needed minor surgery and although physical custody had been returned to me, DCF still had legal so they needed to do the paperwork for the hospital. Come the day of surgery, no paperwork. I was frustrated that my child had to wait hours for his surgery because of poor communication.”

In a medical emergency, your child will be treated immediately. In emergencies, doctors and hospitals may act to save a person's life or to prevent serious harm without permission from a parent or guardian. Later, depending upon the treatment used, DCF may go to the judge to explain what happened and to ask for permission to continue treating your child.

DCF should tell you as soon as possible about any medical emergencies your child may have, and you should be able to see your child in the hospital. If DCF does not let you visit your child in the hospital, make sure your lawyer knows. Your lawyer can ask the judge for help.

Will my child still go to my church or a house of worship that practices my child's faith and culture?

There is no guarantee that DCF will place your child in a home where your religion is practiced. DCF must keep your child safe and well cared for, but it is not required to continue your child's religious faith. At the same time, DCF will not try to “convert” your child and should not allow foster parents to do so. If you or your child are really unhappy with the religious practices in the foster home, you should talk to the DCF worker and to your lawyer about it. The child's lawyer may also be helpful.

“This can be a big deal. My cousin, who had custody of my kids, tried to convert my children to her religion. I was furious. I documented this and successfully went to court on this.”

There may be aspects of the foster home that are unfamiliar to your child, such as ethnicity of the family or the kinds of food they eat. Try to take a common sense approach to these differences. Discuss them with your lawyer if they present a problem.



Image courtesy of Rise Magazine and Leo Maisouradze.

6: Managing Your Case

“There are things that will be said that aren’t true, some will be half true, and some will be completely true. You need to listen to—not agree with—it all. You can also respectfully correct the other person’s errors.”

Where do I start with DCF?

1. Ask for the name, contact information, and “duty day” (office day) of your DCF worker. Request your worker’s business card so that you know whom to contact if there is a problem with a schedule.
2. Ask for the name and number of your DCF worker’s supervisor in case you cannot reach your own worker directly. You should give your DCF worker 24 hours to return your call.
3. Get a copy of the 51A report filed on you and the 51B investigator’s report. Request, in writing, copies from your worker or his/her Area Director. You also can write a letter, or ask someone to help you write a letter, to Commissioner Angelo McClain, Massachusetts Department of Children and Families, 24 Farnsworth Street, Boston, MA 02210, to request that copies of the reports and any related information be mailed to you immediately.

How can I communicate most effectively?

The tips and strategies in this section come from those of us who have been through the system and from people who have helped us. You may not have a lawyer right away after DCF removes your children from your care. You can do these things with or without your lawyer.

How can my emotions affect my child’s situation?

First, get a hold of your emotions the best that you can. Try to think calmly. Anger is understandable, but not helpful. It can set a bad tone for your work ahead with DCF. What you are feeling makes total sense, but take it from us who have been (and still are) in your shoes; it only hurts your case if you can’t control your anger. Don’t lash out at others.

Can DCF help me?

The workers at DCF believe that you need help or else they wouldn’t be in your life and you wouldn’t be in this mess. You need to keep your cool and think about how you can work with DCF so that you can get your child or children back as soon as possible. Think about what might be helpful to you or your children and tell DCF.

“The best part of my experience with DCF was the Family Stabilization Team services I received through Enable. This helped my family stay together while we worked with the social workers, as a family, on issues that we weren’t able to deal with on our own.”

Is documenting my case really necessary?

“Write down everything you do! I have a notebook that I still use to write down conversations and times and dates. People lie and try to confuse you and make you think that you didn’t do what you should have done. If you have everything written down, you can use this when you’re talking with people about what happened and when.”



Image courtesy of Rise Magazine and Dayton Town.

It’s all so complicated. How can I remember it all?

Get a notebook just for keeping track of your DCF case. Keep your notebook and pen with you at all times.

Divide your notebook into four sections:

1. “Phone Calls Made and Received”
2. “Action Taken”
3. “Questions”
4. “Contacts”

Then get a folder that will go with your notebook so that you can keep important documents organized in one place. Attach an envelope or paper clip for business cards.

How do I prove that I made a phone call?

Write down every call you make, including the name of the person you were calling, the phone number, the time and date you called, the name of the person you spoke with, what was said, and who agreed to do what during the call. If you have to leave a message, give your name and phone number and what time you can be reached at that number. Get the name of the person who took the message if it wasn’t voicemail. You can use copies of the form in Chapter 10: Resources and Tools “E: Documenting My DCF Case” page 42 to log all your calls.

What about emails?

Do the same with e-mails. Record the details about each communication in your notebook and save the e-mail.

No one calls me back!

Make sure you know what day of the week your worker is in the office (“duty day”). Your worker will be at DCF that day, so that is the best day to reach him or her. If you are not getting phone calls returned from your worker (or from anyone else involved with your case), phone the person every day, leave a message, and record each call in your notebook. Then, call the person’s supervisor about the problem and ask the supervisor your questions.

I want to be polite, but I can’t remember names—let alone how to spell them.

Ask for a business card from every person you meet or talk to about your case. Keep these in one envelope. If someone doesn’t have a business card, get his or her name, title, address, and phone number and write it down in your notebook.

I am going to groups, but how do I prove I was there?

Your DCF worker can give you a form for your group leaders to sign every time you go to a session. In the “Action” section of your notebook, write down all the classes, meetings, or workshops you attend. For example, if you attend a Common Purpose or Emerge meeting, have the group leader sign your form at the end. The sample log in Chapter 10: Resources and Tools “F. My Services PPlan Log: Recording Proof of Cooperation” page 44 shows what information you should track for every group meeting you attend.

Do I really need to save all these letters and papers?

When you mail letters to people, always make a copy and keep it with your papers. You should write down the date you mailed the letter in your notebook or on a form such as the one on page 43 of this Guide. If it’s very important to prove that you mailed a letter to someone, you can take it to the post office and pay a small fee to send the letter “certified mail”. You can always ask your attorney if it’s important to send a letter by certified mail.

How can I make a difference in my case by planning ahead?

Think about how you can help your case. Do you need documents? Snacks and games for your child? Transportation? Child care arrangements? Have you returned all your phone calls? Do you have a record of all your meetings and conversations? Are you completing what you have agreed to in your service plan? Are you preparing for court and for other meetings?

Preparing also means asking questions when you do not understand words, ideas, or actions.

What am I responsible for preparing?

In addition to the actions that your service plan requires, these steps will help you to stay on top of your case and demonstrate how responsible you can be:



Image courtesy of Rise Magazine

- Do your homework.
- Know your rights and the specific issues about your case.
- Schedule enough time for attending meetings. Think about travel time and any arrangements you might need to make with work or other children in your care.
- If you cannot keep an appointment, call and reschedule it right away. Leave a message if necessary.
- Ask your support network of professionals to write letters for your lawyer.
- Ask each time: What do I do next?

I need to confirm what I am supposed to do next...every time?

Make sure you come out of meetings with a clear understanding of what is expected of you. This will affect how long it will be before your child is returned to you. Repeat back what you heard to make sure you heard the information correctly. Write it in your notebook. Now you are prepared to do what you need to do next.

What are letters from my support network?

Ask each of the professionals who support you to write a letter certifying your participation in groups. When you go to court, give your lawyer these letters.

“Think ahead. If you plan for what you can do next to help your case, you’ll make quicker progress and hopefully get your children back home sooner.”

7: Understanding the Legal System

“When it comes right down to it, it’s important to remember that the judge is the one who makes all the important decisions, not DCF.”

How do I work with my lawyer?

How do I get in touch with my lawyer?

You can get the name and phone number of your lawyer from a clerk at the Juvenile Court Clerk’s Office. You can call the clerk or visit the Clerk’s Office in person. You will need to tell the clerk your name and the name of your child or children.

What should I tell my lawyer?

Your lawyer must know as much about you and your case as possible. It can be very bad for your case if other people tell the judge things that your lawyer does not know. Your lawyer can’t do a good job representing you unless he or she has all of the information. Don’t keep secrets from your lawyer. If you have any “skeletons” in your closet or information you have not told others about your behavior or about your family, it is important that your lawyer know these things prior to going to court.

“Don’t delay! And don’t keep secrets from your lawyer!”

Can I speak freely to my lawyer, or will my lawyer tell other people what I said?

Everything you say to your lawyer is “confidential.” This means that your lawyer can’t tell other people what you say without your permission. There is one important exception: Your lawyer may tell other people what you say if your lawyer believes that it is necessary to stop a crime that will lead to someone’s death or injury.

Why should I listen to my lawyer?

Your court-appointed lawyer is trained to represent parents and children in cases like yours. Your lawyer knows how to negotiate with DCF and speak for you in court. Your lawyer has experience working with DCF and juvenile court judges. Your lawyer will give you advice and talk to you about the different options you have. You should make sure that you understand your lawyer’s advice so that you can make the best decisions for you and your family.

Will my lawyer listen to me?

It is very important that your lawyer listens to you. Your lawyer will need a lot of information from you in order to help you. He or she will need to know what you want to happen in your case. Your lawyer will also need to know about your family and why DCF got involved with you and your children.

If you want someone else with you for support when you meet with your lawyer, talk to your lawyer about bringing a friend to your meetings. Remember, though, that if other people are present, the things you say are not protected by the rules of lawyer confidentiality.

If your lawyer doesn’t listen to you, you can ask the judge for a different lawyer. You can also file a complaint with the Committee for Public Counsel Services at 617.482.6212.

“My lawyer was great. I have no complaints. I know that isn’t always the case.”

Why does it sound like a foreign language to me when the professionals talk?

Lawyers and the court system use specialized words that most people outside the courts do not know. Use the glossary in the back of this booklet to find out what unfamiliar words mean, or ask. It’s important that you understand what is happening and that you ask your lawyer questions when you don’t understand.

How do I talk to my lawyer if I don’t speak English well?

You will need to talk with your lawyer often. You will meet with your lawyer in court and out of court. If you do not speak English well and if your lawyer does not speak your language, your lawyer will arrange for you to get the help of an interpreter at no charge. When you are in court, there may be a court interpreter available to help you, again, at no charge to you. Record in your notebook whether you were given an interpreter at each meeting.

If you have a family member or friend who speaks English, ask that person to help you when you call your lawyer to schedule meetings or if there is an emergency.



Image courtesy of Rise Magazine

Who else gets a lawyer in these cases?

All children get court-appointed lawyers. If you have more than one child, one lawyer will represent all of your children unless the children want different things. For example, if one child wants to go home and another child wants to remain in foster care or live with a relative, the judge will appoint different lawyers for those children.

DCF has its own lawyers.

Grandparents and other relatives usually do not get lawyers unless they were the child’s legal guardians when DCF took custody of the child.

Should I talk to my child’s lawyer?

Keep on good terms with your child’s lawyer, as you should with any professional involved in your case. If your lawyer tells you to do so (and your child’s lawyer agrees), keep in touch with your child’s lawyer on a regular basis. However, never call or talk to another lawyer unless your lawyer has okayed it.

You must remember that your child’s lawyer is not your lawyer. Don’t let your guard down with your child’s lawyer. S/he is advocating to help your child, not you.

What if my lawyer doesn’t call me or doesn’t return my calls?

If you can’t contact your court-appointed lawyer or your lawyer does not return your calls, call the Committee for Public Counsel Services, Children and Family Law Division, at 617.482.6212, for help.

How should I get to court?

I have to work. What do I do about getting to court?

It is your responsibility to get to court for the 72-hour hearing and all other court hearings. You should ask your employer for time off. If you cannot come to court on the date of the 72-hour hearing but you can come on another day, you should ask your lawyer to see if the court will change the hearing date. If the court will not change the hearing date, you must go on the date scheduled. If you do not go, the court will hold the hearing without you and you will likely lose.

I have other children at home. Can I bring them to court?

Yes, but you must arrange to have someone watch them in the lobby when you are in the courtroom. Children are generally not allowed in the courtroom. If you do not have someone with you who can watch the children in the courthouse, do not bring them.

Everyone who goes to court with you will have to walk through a metal detector. Be careful and plan ahead.

How will I get to court?

It is your responsibility to get to the courthouse. If you do not have a car and there is no public transportation to the court, you will have to get a ride from a friend or relative. If you are having transportation problems, or if you are too ill to get to court, let your lawyer know. He or she can explain these problems to the judge.

Do I have to go to court?

It is **very important** for you to be there. You show the judge and DCF that you care about what is going on for your family and that you love your children by being there. If you do not come to court and you do not have a good excuse (such as serious illness), the judge may think that you do not care enough about your child/ren to come to court. The judge may decide that you have “waived” (given up) your right to have a 72-hour hearing. The judge may also take away your court-appointed lawyer if you do not go to court.

If you cannot make it to court, call your lawyer and/or DCF worker immediately to let them know, even at the last minute. See Chapter 10: Resources and Tools “D. Massachusetts Juvenile Court Phone Numbers” page 41 for courthouse phone numbers.

“You should definitely go to your 72-hour hearing!”

What should I wear to court?

Dress respectfully, modestly, and neatly. A professional or “Sunday best” look is one way to show that you are taking the proceedings seriously. Leave the “flash” and the athletic wear at home. Empty your pockets so that they don’t jingle when you are sitting in the courtroom. Most professionals in the courtrooms wear suits or uniforms with jackets. You might want to bring a sweater or jacket along so you don’t get cold.

“Such an emphasis was put on what to wear. Nobody stopped to think that I might not have a dress or skirt or that when I fled for my life it was with the clothes on my back. I’m a single mom... any money goes to feeding and clothing my children. But to prove I’m a good mother I had to have good clothes.”

What should I bring to court?

You should come to the courthouse well prepared, with any paperwork you may need, a snack in case you have to wait a long while, and your wallet with identification. Remember that everyone who enters a courthouse must pass through a metal detector, so plan ahead for that.

What happens inside the courthouse?

Will I see my child at court?

Probably not. At some point, the DCF worker will bring your child to the courthouse to meet the judge, but this rarely occurs at the same time as the hearing.

At Boston Juvenile Court, DCF may ask you to bring your child to court with you before removal. If the judge then gives custody of your child to DCF, try to remain calm, especially when saying good-bye to your child. This makes things easier for your child, and shows the judge and the DCF workers that you are able to put your child’s needs ahead of your own frustration and anger.

My case is scheduled for 9:00 a.m. When should I get to the courthouse?

Early! You should get to the courthouse well before 9:00 a.m. so that you can meet with your lawyer first. Your lawyer may tell you to meet him or her at a specific time. If you are late and your case is called without you present, you may not have a chance to go before the judge. This is very serious. It may cause you to lose temporary custody of your child. The judge may even remove your court-appointed lawyer.

Leave extra time for heavy traffic or a late bus. It may also take longer than you expect to go through security and find the right courtroom. Be sure to get to the courtroom on time!

If there is a recess (break) during the day for lunch or for any other reason, make sure to be back in the courtroom at the correct time.

How long will I have to wait before my case is called?

It is hard to say how long you will have to wait for your case to be called. If your case is scheduled for 9:00 a.m., you may be called into the courtroom right at 9:00 a.m. or you may have to wait several hours. The court clerks decide the order that cases are called into the courtroom. The clerks usually start with cases that take less time. Trials and 72-hour hearings take more time, so these cases are often the last to be called into the courtroom. Try to make good use of the waiting time by talking to your lawyer. You could also bring a magazine or book to read. If you need to leave the courthouse for any reason, be sure to let your lawyer know where you are going and when you will be back.

Can I have friends and family with me while I wait?

Yes, you can have friends and family with you at the courthouse. They may not be allowed into the courtroom when your case is called, but they can wait with you in the lobby. Your friends and family will have to pass through the metal detector in order to get into the courthouse. Be sure to tell your lawyer who the people are who have come with you to the courthouse.

What should I expect in the courtroom?

What does the courtroom look like?

Every Juvenile Court courtroom is different, but they share some common elements. Each courtroom has a raised platform and table where the judge sits (called a “bench”). The clerk often sits at a table a few feet in front of the judge. The lawyers sit at tables in front of the bench, facing the judge. Parents and other lawyers (who are not involved in your case) sit on chairs or benches behind the tables, in the back of the courtroom. Probation officers and other court staff sit at tables on either side of the bench. Witnesses sit in the empty chair near the judge while they are testifying. Ask your lawyer if he or she can take you to see the courtroom before the judge comes in.

Where do I sit?

Parents generally sit behind the lawyers’ tables, but your lawyer may ask you to sit at the table, right next to him or her. If you like, you can ask your lawyer if you can sit at the lawyer’s table.

What are the rules of the courtroom and how should I act while I’m there?

There are many rules of the courtroom to learn. When the judge comes in, a court officer says, “All rise.” Everyone must stand, including the court staff and the lawyers. When the judge sits, the court officer says, “You may be seated,” and everyone sits.

You will need to take your hat off inside the courtroom. You should not chew gum or bring food into the courtroom. You cannot read a newspaper. Turn off cell phones and pagers; you may not use them inside the courtroom.

The judge may ask you a question, or your lawyer may ask you to tell the judge something. Always stand when speaking to the judge and address the judge by saying “Your Honor.” Otherwise, you should only speak if your lawyer asks you a question or you have a question for your lawyer. In that case, please speak quietly, so that only your lawyer can hear you.

Here are some helpful tips:

- The judge will evaluate you in part by the way you act in and around the courtroom, so be sure to be on your best behavior.
- Don’t raise your voice or use foul language.
- Sit upright while testifying.
- Be polite to the lawyers on both sides of the case.
- Show respect to all of the courtroom officials. Be particularly attentive when the judge is speaking.
- Dress in your “Sunday best.” Avoid large jewelry or bright clothing that would be distracting. Avoid carrying items in your pockets that jingle (keys, coins, earrings, etc.)



Image courtesy of Rise Magazine and Nelle McKay.

Who are the people in the courtroom?

The **judge** listens to the lawyers and decides the case. The **clerk** helps the judge write information into the case file and organize the case. The clerk makes sure the lawyers are in court and ready to speak to the judge. The clerk will also look at the judge’s calendar and help the lawyers pick out dates for the next hearing. There may be many clerks in the courtroom at the same time, filing papers and helping the judge get organized. The **probation officer** files a report for the judge at most hearings and may come to your home in order to tell the judge how you are doing. The **DCF lawyer** and **worker** will be there. Your **lawyer**, your **child’s lawyer**, and the **other parent’s lawyer** will be there. There may be other lawyers in the courtroom as well who are not involved in your case. They are generally waiting for other cases to be called.

Why is there a probation officer?

The Juvenile Court probation officers investigate cases and write reports for the judge. Sometimes they run criminal records (CORI) checks on parents, witnesses, or people who are asking the judge to give them custody of a child.

You must remember that these cases are not criminal cases. You are not “on probation” just because there is a probation officer on your case. If you have a probation officer for a criminal offense you have committed, the Juvenile Court probation officer may speak to your probation officer and report that conversation to the judge, but the Juvenile Court probation officer will not take over your criminal case.

Is there a jury?

No. A judge decides all care and protection cases without a jury. There may be a jury box in your courtroom with many empty seats, but that is because the same judge may also hear cases that include a jury in the same room.

What if I want to ask my lawyer something while my case is in front of the judge?

You may quietly ask your lawyer questions while the case is in front of the judge, but not while the judge is speaking. Your lawyer may tell you to wait for a few moments before he or she can answer you. If you do not speak English well and you are having trouble understanding the judge or the lawyers, let your lawyer know right away. Your lawyer will then ask the judge to get an interpreter for you.

Are there more court hearings?

When do I go back to court after the 72-hour hearing?

If your child is still in DCF custody after the 72-hour hearing (and sometimes even if your child is returned to you), the judge and the lawyers will schedule another court date, usually about three months later. In the meantime, the judge will assign a “court investigator” (see Glossary) to interview you and write a report for the judge. You may come to court when this report is filed. You also may come to court for a “status” hearing (for the judge to find out how everything is going). Sometimes there are other hearings that come quickly after the 72-hour hearing. You should find out from your lawyer what the next hearing will be about and when it will happen, and then write down the date, time, and location on your schedule.

What happens in court later in the case?

There may be many “status” hearings and one or more “pre-trial conferences,” followed by a trial that can last for many days. At later hearings but before trial, the DCF lawyer will tell the judge how the child is doing and DCF’s version of the progress you are making toward getting your child back. Your lawyer will tell the judge your story of how you are doing. The child’s lawyer will tell

the judge about the case, too. Your lawyer may ask the judge to order DCF to give you more visits or more services, depending upon the situation.

Do I have to go to these hearings?

You must go to all hearings, unless your lawyer and the judge say that you should not. If you do not attend a hearing, the judge may believe that you don't care and may hold it against you. If you know that it will be difficult for you to get to a hearing, let your lawyer know ahead of time so that he or she can explain this to the judge.

Will there be a trial?

Unless you and DCF agree on what should happen, there will be a trial. The trial may take place six months or even a year or more after your children are removed by DCF. For more information about the trial and timing, see Chapter 10: Resources and Tools "C. Care and Protection Time Frame" page 40.

How do I prepare for trial with my lawyer?

What will my lawyer do to get ready for trial?

Your lawyer will look at the entire DCF case file, interview witnesses, and file motions. Your lawyer will talk with you many times and help you get ready for trial. You may be called as a witness by DCF, by your child's lawyer, or by your own lawyer. Your lawyer will help prepare you to testify. Your lawyer may also have meetings with the other lawyers involved in the case in order to make sure that everyone is ready for trial and that they have all the necessary paperwork.

How can I help my lawyer get ready for trial?

You can help your lawyer get ready for trial by keeping in regular contact with him or her. If you move at any time, make sure your lawyer knows how to reach you. You can also help by making sure that your lawyer has the names, addresses, and phone numbers of your counselor, other professionals, or other witnesses who will say good things about you and your parenting. Tell any counselors you're working with about court hearings. Your lawyer may want the professionals who have been working with you to come to court to vouch for you.

Be sure to tell your lawyer about any changes in your life that may be important to your case (for example, your partner has moved in or out, you have relapsed, you recently obtained a restraining order, etc.).

Tell your lawyer about any fears or concerns you have before going to court. He or she can help answer your questions as well as help you understand what to expect from the court experience.

What is DCF doing to get ready for trial?

DCF workers prepare for trial by talking about the case with their supervisors and by reading their case notes (also known as "dictation") and the DCF records. The DCF lawyer, like your own lawyer, will be reviewing DCF's records, talking to the worker, and talking to other witnesses.

What is my child's lawyer doing to get ready for trial?

Your child's lawyer is doing exactly what your lawyer is doing. He or she is also meeting with your child to make a final decision about your child's position at trial. Talk to your own lawyer about whether (or how) you should be cooperating with your child's lawyer.

What if I have other legal charges pending?

If the probation officer looks at your CORI and finds a "default" or "warrant" for your arrest, the probation officer will inform the judge. The judge may then ask a court employee to keep you at the courthouse (perhaps even overnight) until arrangements can be made for you to be brought to the court that issued the default or warrant, or the judge may let you go to that court on your own, based on your promise to go to that court quickly. If you have an outstanding warrant, you should try to go to that court and have it taken care of in advance.

"Hearing on the Merits"? Is this the trial?

The trial, sometimes called "Hearing on the Merits," is the time for DCF, your lawyer, and your child's lawyer to present information to the judge so that the judge can determine what will happen to your child and your parental rights.

What is happening at the trial?

At the beginning of the trial, some judges allow the lawyers to give "opening statements." These are brief speeches by the lawyers on what your case is about. Some judges do not allow this, and start their trials by having DCF call its first witness. In almost all trials, DCF presents its case first, followed by the parents' lawyers, and then the child's lawyer. The lawyers will present many witnesses and give

the judge many documents. It is like a 72-hour hearing (see Chapter "2: Helping Yourself Helps Your Child" page 10), but longer and more complex.

At the trial, the judge will decide many questions, including where your child will live. The judge may also decide about whether your parental rights should be "terminated" (ended) and your child freed for adoption.

At the end of the trial, most judges allow the lawyers to give "closing arguments." These are brief speeches by the lawyers that summarize what your case is all about. The DCF closing arguments will present the case from DCF's perspective; your lawyer's closing arguments will present the case from your perspective, and your child's lawyer's closing arguments will be from your child's perspective.

The judge may make a decision right at the end of the trial. The judge also may "take the case under advisement," meaning that he or she will think about it for a while and make a decision later. Your lawyer will tell you what the judge decides as soon as the lawyer finds out.

Will I have a chance to speak to the judge?

Yes. It is your right to testify in your care and protection trial. You do not have a right to stand up and give a speech about your case, your family, or your DCF experience, but you have the right to take the witness stand and answer questions asked by your lawyer. "Taking the witness stand" means going to the front of the courtroom, swearing to tell the truth, and responding honestly to the questions asked of you. If you take the witness stand, however, you may be cross-examined (questioned) by the DCF lawyer and the other lawyers in the case. They may ask questions that you don't want to answer, but you must.

Will my lawyer be able to call witnesses?

Yes. Your lawyer is allowed to call witnesses to testify for your side. You should make sure your lawyer knows well in advance who your witnesses are and how to reach them.

Your lawyer may decide that some of your potential witnesses would not be helpful to your case, so all of your witnesses may not be called. That is a strategic decision for your lawyer to make after discussing it with you.

Will my lawyer be able to give the judge important papers about me and my child?

Yes. Your lawyer is allowed to give "evidence" (Chapter 10: Resources and Tools "A. Speaking of Words: A Glossary" page 35 to the judge, including important papers. Make sure that your lawyer has all of the paperwork that you would like the judge to see.

How long will the trial last?

Care and protection trials can last an hour, many days or even months. Discuss the trial schedule with your lawyer; he or she will have the best idea of how long the trial will last.

When the trial is over, what decisions can the judge make?

The judge has a number of options at the end of a trial. He or she can return your child to you; give custody to another person, such as your child's other parent or another relative; give DCF temporary custody or permanent custody (until the child turns eighteen); or terminate your parental rights and free the child for adoption. In some circumstances, the judge can give guardianship of your child to another person. If the judge terminates parental rights, he or she may order that parent-child visits continue until or even after the child is adopted.

If my rights are terminated, can I ever see my child again?

An order terminating parental rights ends all legal parent-child relations. The parent does not even have the right to have the judge review the decision later. Sometimes DCF allows parents to visit with children after a termination order. Sometimes the judge orders visits. But often there are no further visits, or only a "farewell" or "termination" visit between the parent and child. DCF is more likely to allow visits after termination, and the judge is more likely to order it, if the child is not placed in a home seeking to adopt the child (a "pre-adoptive home") and the parent has regularly visited before termination.

Can I appeal?

If I'm not happy with what the judge ordered, can I get another court to change it?

Parents and children have a right to appeal (or challenge) an order by the judge after a trial. You have only 30 days to start an appeal so talk to your lawyer right away about whether this is a good idea and what you need to do.

8: Working with DCF

“Our first DCF worker was caring and sensitive to my daughters and used a supportive tone even when I was feeling upset or overwhelmed. She treated us with genuine respect and concern.”

Who will DCF assign to work with me?

What is the role of the DCF worker?

Your DCF worker can go by a number of titles: caseworker, DCF worker, on-going worker, and social worker.

This is the person who will be working with you on a regular basis. The DCF worker's job is to help you with whatever problems brought your family to DCF's attention. Your DCF worker will arrange visits with your children, keep you in contact with your children, and work with you to develop a service plan. S/he will also be reporting to all the other people involved in your case about your progress.

Do I have to work with a DCF worker?

Yes, if you want to have your child returned to you as quickly as possible. It is in your best interest to work with the DCF caseworker assigned to your family.

How do I work with the DCF worker?

What can I do to build the best possible working relationship with my DCF worker?

This is what we found helpful in dealing with DCF workers:

- Get your worker's address and phone number at DCF. Also, find out if your worker has an assigned day at the office (or "duty day"), because this will be the easiest day to reach the worker by phone.
- If your DCF worker does not get back to you within 24 hours, call his/her supervisor.
- If you cannot reach your DCF worker, call his/her supervisor.
- If your call is an emergency and you need to speak with someone right away, call the supervisor or duty worker.
- Share with your worker important information about your child (routines, medical history, school, etc.) See Chapter 10: Resources and Tools "H. Information About My Child" page 47 for a form to complete about each of your children.
- Participate in creating your service plan.
- Give your DCF worker proof that you are participating in services offered to you.
- Make sure that your worker is getting counseling for your child.
- If something is required of you that is unrealistic, ask the worker to make another plan.
- Keep all appointments that you have made.
- If you are unable to get to an appointment or unable to get there on time, be sure to call your worker or the worker's supervisor. Leave a message if they are not in.
- Provide DCF with information regarding your progress if your lawyer tells you to.
- Ask how visitation with your child will happen and participate in visitation. Always confirm your visits in advance.
- Advocate for visits, supervised or unsupervised.
- Tell your lawyer if your DCF worker or supervisor does not answer your phone calls or if any other problems come up.

Your DCF worker can become an advocate for your family, especially if you establish a good working relationship with your worker. DCF workers focus primarily on supporting your child, so when you can work together with your DCF worker on behalf of your child, the most difficult of situations can be easier.

“A lot of DCF workers aren't parents, so they don't have the same life experience that I do. This made it really hard for me to listen to them tell me how to parent my son.”

“Your DCF worker shouldn't be the enemy, but it is true that she is on the other side of the courtroom.”

What if I don't speak or understand English very well?

If English is not your first language, you should request translation services for every DCF meeting and court hearing. It is very important that you understand what is happening and how to get help. Keep track in your notebook whether you were given an interpreter.

What can I expect from my DCF worker?

At all times, you should expect to be treated with respect by DCF staff. If you feel that your DCF worker or any DCF staff person is not respectful or is in any way being unfair, make an appointment with the Area Clinical Manager. If you are still unsatisfied, call the DCF Ombudsman's office at 617.748.2444 to report your situation and ask if there is a DCF family advocate in your area to work with you. Family Advocates are not always available, but you always have the right to ask for one.

Helping your child is your DCF worker's main responsibility. Your worker can also be a good resource for you as a parent trying to create a stronger family. Your DCF worker can give you information about housing, domestic violence, substance abuse, parenting, employment, or whatever else you may need. Your worker can also refer you to a variety of groups and programs, some of which may not even be on your service plan. Ask! Helping you is another way for both of you to help your child.

“My social worker was a hard worker who put his heart and soul into the job.”

Can I speak freely to my DCF worker?

Your DCF worker will **not** keep what you say private and confidential from other people at DCF or from the judge. S/he may repeat what you have said.

However, after the initial assessment/investigation is complete, your DCF worker cannot talk about you and your family to people outside of DCF and the court without written permission (a "release") from you. You may want to sign releases so that DCF can speak to your counselors or other providers, but you should speak to your lawyer about this. If DCF has custody of your child, the DCF worker may talk to your child's doctors and other providers in order to learn about your care of the child. **Never** sign any release without talking to your lawyer first. Be aware of what you are signing and if you have questions, ask your lawyer!

What is a release?

A release is your permission for DCF to obtain information about you or discuss your case with other people. After the first two weeks of your case, DCF will ask you to sign papers allowing them to contact other people about you. Always discuss this with your attorney before signing.

What is the best way to speak to people at DCF?

Throughout your work with DCF, keep these suggestions in mind.

- Take time to think and focus before you respond to anyone's questions.
- Don't be afraid to say, "Let me think about that and get back to you later."
- Stay as calm as you can. Show them that you are a responsible and mature parent.
- Make eye contact when appropriate and be aware of your tone of voice and body language. Don't yell or look uninterested.
- Ask to be excused (or to go use the bathroom) if you feel the conversation is getting out of hand. It is okay to take a break, and it is better to do that before you lose your cool.
- Know that it is okay to disagree with someone else. Just acknowledge that you disagree respectfully. Don't lash out in anger.
- Take control over the situation and get your questions answered. You don't have to roll over and play dead.
- Try to stay positive even if you don't agree with something you hear. You can agree to disagree and then follow up later.
- Use specific examples of behavior or language when you are describing a situation or problem.

What are my options if I run into problems with my worker?

What if my DCF worker says I have a problem, but I don't think I do?

If you and your DCF worker disagree about the problems you and your family are dealing with, talk to your lawyer. You may need to find other professionals who can help you convince the DCF worker or the judge about your situation. For example, your DCF

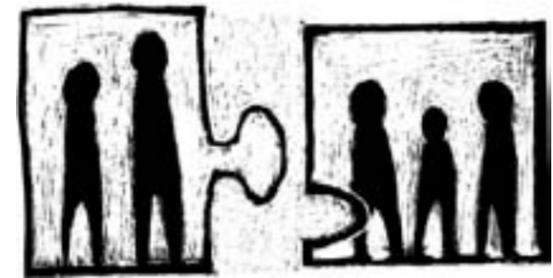


Image courtesy of Rise Magazine.

worker may believe that you have a substance abuse problem. If you disagree, you should talk to your lawyer. The lawyer may arrange for you to be interviewed by a psychologist or social worker who specializes in substance abuse. This person will then, with your lawyer's knowledge and approval, explain your situation to the DCF worker or to the judge.

What if I have a problem with my DCF worker or I just don't like my DCF worker?

DCF workers are people, too. Some you will like and others you may not. (At the same time, some DCF workers will like you, and some will not.) Remember that the DCF worker is a very important person in your case. Even if you have conflicts with your DCF worker, you don't get along, or you do not agree with some of your worker's decisions, always be polite and respectful toward the DCF worker. Try to be honest with yourself about why you don't like your worker. Try to talk to your worker and, if possible, to work out your differences. If that doesn't work, try talking to your worker's supervisor. S/he is part of the team to help your family. If you honestly feel that you cannot resolve your differences, you can request a new worker. However, changing your DCF worker can cause a delay in your case and you should not count on getting a new one. It is very difficult to get a different DCF worker assigned to a case.

Always tell your lawyer about problems with your worker.

Whom do I call at DCF if I have a major complaints or concerns not being addressed by my worker?

If your worker and supervisor do not respond to you or you have serious concerns about the services being delivered to you, talk to them and talk to your lawyer. In addition, if you still have concerns, ask for an appointment with the Area Clinical Manager. If you are still unsatisfied, you can call the DCF Ombudsman's office at 617.748.2444 between 8:45 a.m. and 5:00 p.m. to report problems. The Ombudsman's job is to respond, mediate, and resolve (if possible) any issues of concern to DCF clients and other concerned citizens regarding agency programs, policies, or service delivery.

“Some workers were truly caring, dedicated to helping us to reunification, to helping me protect my children. Other workers failed miserably. This was where learning to self-advocate helped so much.”

9: Creating Your Service Plan

“The quicker you do what's on your plan, the better off you are.”

What is a service plan?

A service plan is a list of “tasks” or services that DCF wants you and your family members to do. You should work with your DCF worker to decide which services would most help your family. Be sure to discuss your service plan with your lawyer. The service plan may also include tasks for DCF, the foster parent, or residential program staff. Some service plans include special services for parents, such as respite care or free summer camps.

What is expected of me?

What am I expected to do?

Each parent gets separate service plan tasks. For example, a mother with substance abuse issues may have the tasks of doing regular urine testing, attending AA meetings, and attending substance abuse counseling. A father with mental health issues may have service plan tasks of attending therapy and regularly taking all prescribed medications. Older children may have their own tasks, such as attending school and following the rules of the program or foster home.



Image courtesy of Rise Magazine.

What if I can't read the service plan?

If you do not read English, make sure that DCF gives you a service plan in your own language. If you cannot read, make sure that DCF reads the document to you and that you have a complete understanding of what is required of you.

If you're getting help reading this and/or your service plan, make sure that someone you trust translates items for you and that you clearly understand what you need to do on your plan.

Will someone remind me?

No! DCF won't push you to do the things on your service plan. You need to take responsibility for completing the service plan on your own.

Do I have to do all the tasks listed on the service plan?

Review the service plan carefully and decide if you can do all of the tasks assigned to you by DCF. If there are tasks you cannot do, speak with your worker or your lawyer about negotiating with DCF to assign different tasks. Speak to your worker about adding flexibility around the scheduling of meetings and appointments if the times are a problem for you.

You have a better chance of having your child/ren returned to you if you do all the tasks assigned to you than if you do not. But sometimes just doing the tasks is not enough. Talk to your lawyer and to the DCF worker about what DCF expects of you.

Should I sign my service plan?

Service plans are supposed to be agreements that parents help to create. Make sure you understand the plan and all of the tasks. Be sure to review the service plan with your lawyer before you sign it. It is your right to show it to your lawyer rather than signing it right away at the meeting.

If you agree with the plan and believe that you really can do what is required of you, you should sign it. If you feel that a goal is unrealistic, discuss this with your worker. Make suggestions about changes that you think would be helpful. If you continue to disagree with some parts of the plan, you may still sign it; however, write your concerns or disagreements right on the plan. This shows that you have read and discussed the plan and are trying to work on it.

Can I add to my service plan?

Yes. If there are tasks that you would like to do, or that you think would help you, but they are not on your service plan, talk to your worker or lawyer about having them added.

Is adding on a good idea?

DCF looks favorably at tasks that you add to your service plan. So if you can think of something that is realistic, add it on. It will work to your advantage.

What are Permanency Goals?

There are several possible permanency goals but the most common are: 1) Return Home and 2) Adoption. (See Chapter 10: Resources and Tools “A. Speaking of Words: A Glossary” page 35 for more information about Permanency Goals.) When DCF places a child in foster care, almost always the goal is “Return Home”. (If you have been involved with DCF in the past, on rare occasions DCF may select “adoption” or another goal.)

The permanency goal is very important because it tells you what DCF thinks the long-term plan will be for your child. DCF can change the permanency goal any time but usually it gets changed at the Foster Care Review (see below) or after DCF has a Permanency Planning Conference (see below). It is very important that you understand what the goal is and why DCF has chosen a particular goal. If you don’t understand, ask your DCF worker. If you disagree with the permanency goal, as calmly as you can you should tell your DCF worker. You may want to object officially to the goal. You should discuss this with your lawyer.

“I feel my worker gave me pertinent information about my case and helped me with decisions regarding custody and permanency goals.”

The Foster Care Review: How Am I Doing?

What is a “Foster Care Review”?

A Foster Care Review (FCR) is a review at the DCF office of how well you, DCF, and, sometimes, your child, have been doing at completing your service plans tasks. It is also a chance to change your service plan. A Foster Care Review is scheduled every six months for as long as the child is in placement. The purpose of the FCR is to review progress toward the permanency goal identified in the service plan.

Who attends a Foster Care Review?

The FCR meeting usually includes your DCF worker, other DCF staff, the foster parents caring for your children, and representatives of any other agencies working with you and your family. You can request that a therapist, teacher, advocate, or other important person in your life or in your child’s life be invited to the FCR. A DCF staff person chairs the FCR meeting. A volunteer, who helps the reviewer, will also be present. Sometimes another DCF staff person attends, too. You can ask your lawyer to come to the FCR if you want to, but he or she is not required to be there. FCRs are scheduled without consulting the lawyers, so they may not be able to attend.

What happens at a Foster Care Review?

Your DCF worker will be asked to give his/her opinion of the progress of your case. You may or may not agree with your worker, but you will also be given a chance to express your opinions as to how the case is going. It can be stressful to participate in this meeting, but the reviewer really wants to hear from you. Remember to try to stay calm and focused. This is a great opportunity to advocate for yourself with all of the key players there. Bring to the Foster Care Review copies of any documentation that you feel would be helpful to your case.

Before attending your Foster Care Review, you might want to review the suggestions in this guide for working with DCF (see Chapter “6: Managing Your Case” page 22).

What is a Permanency Planning Conference?

If your child is still in foster care after nine months, DCF will have an internal meeting called a “Permanency Planning Conference” to decide whether the permanency goal (usually “Return Home”) is still the best goal or whether adoption or something else should be the goal. You and your lawyer will NOT be invited to this meeting. However, you do have a right to know the result of the meeting and why DCF decided to continue or to change the permanency goal.

“The first time I got involved with DCF was right after my first baby was born. My doctor told me I had post-partum depression. He suggested that I go to DCF for help. I was honest with my caseworker about how I was feeling and the help I needed. The DCF worker was wonderful. She signed me up for anger management, parenting, and self-esteem classes. My hard work paid off in the end. I really got into the “Mommy” role and my daughter came home after four months. This experience taught me the importance of how taking care of myself is in the best interest of my baby’s well-being.”

10: Resources and Tools

A. Speaking of Words: A Glossary

B. Getting the Support You Need: A Statewide Resource List

C. Care and Protection Time Frame

D. Massachusetts Juvenile Court Phone Numbers

E. Documenting My Case

F. My Service Plan Log: Recording Proof of Cooperation

G. Contact Information: How To Get In Touch

H. Information about My Child



Image courtesy of Rise Magazine and Tamika Ono-Knight.

A. Speaking of Words: A Glossary

DCF and the legal system have their own “jargon” or vocabulary. Look here to find definitions of terms you don’t know.

Abuse. The non-accidental commission of any act by a caretaker upon a child under age 18 that either (a) causes or creates a substantial risk of physical or emotional injury or (b) constitutes a sexual offense under the laws of the Commonwealth, or any sexual contact between a caretaker and a person under the care of that individual.

Abuse of Discretion Hearing. A court hearing where a parent or child asks the judge to review DCF’s decisions about visitation, where a child will live, or what services DCF is giving the parent or child.

Adoption. When someone other than the birth parent becomes the legal parent of the child.

Affidavit. A written document that a person signs, under oath, about what she or he did or what she or he has seen.

Allegations. What someone (in this case, DCF) says you did or did not do.

Appeal/Appellate. A request that a higher court review the decision of the Juvenile Court judge.

Best Interests of the Child. What the judge must think about when making many decisions about your child. A “best interests” hearing is a hearing for the judge to decide what should happen to your child after a parent has been found unfit at trial.

Bonding. The strength of the relationship between a parent (or other important adult) and a child.

Care and Protection. The type of case that DCF files in the Juvenile Court when it takes custody away from a parent or when DCF is thinking about taking custody away.

CASA. A Court-Appointed Special Advocate. CASAs are volunteers who wish to help children in Juvenile Court cases. They meet with the child, interview people familiar with the child, and either write a report for the judge or tell the judge about what they think is in the child’s best interests. See also GALs.

CHINS. Child in Need of Services. If a child doesn’t go to school, misbehaves at school, refuses to follow parents’ rules, or runs away from home, the judge may find the child “in need of services.” The judge cannot order the child to attend school or stop disobeying rules, but the judge can put the child in DCF’s custody if they do not do what the judge orders. Children have a right to a lawyer in CHINS cases. If the judge is being asked to consider giving custody of a child to DCF, indigent parents have a right to a lawyer, too.

Clerk. A person who works for the judge in the courthouse. The clerks do many things. They call the cases, assign lawyers to parents and children, and make sure that papers get placed in the proper files.

Colloquy (pronounced, “kol-uh-kwee”). When parents decide to give up their right to a trial, the judge asks them questions about whether they have spoken to their lawyer and whether they understand the rights they are giving up. The parent’s answers are given under oath. This question-and-answer session between the judge and the parent is the “colloquy.”

Confidential/Confidentiality. Something that is private and cannot be disclosed to other people, such as your conversations with your lawyer.

CORI. Criminal Offender Record Information. This is a computer record of all of a person's criminal charges and how they were resolved. The CORI also contains a person's restraining order record.

Court Clinic. Most Juvenile Courts have one or more psychologists and other mental health professionals who work in the court clinic. They perform testing and evaluations. They do not work for parents or children or for their lawyers. They work for the judge, and they give their test results and reports to the judge.

Court Investigator. The judge in every care and protection case must appoint a Court Investigator. This person is usually a lawyer or a mental health professional. The Court Investigator interviews parents, children, and others who know the parents and children. Then the Court Investigator writes a report, which he or she gives to the judge. Sometimes this report contains recommendations about where the child should live and what services the family needs.

Court Officer. Court security guards.

Custody. The judge can give a parent, another person, or DCF "legal custody" of a child. "Legal custody" is the power to decide what happens to a child, including where the child lives, who visits the child, and what kind of medical care the child receives. "Physical custody"—where the child lives—is a part of Probate and Family Court divorce practice, but it has no real meaning in care and protection cases. If a child is in DCF's legal custody, DCF chooses where to "place" the child, and where the child lives is called a "placement." DCF may "place" the child in a foster home, a group home, or with a parent, but that placement resource does not have any form of "custody."

The Department/DCF/The Department of Children and Families. This is the state agency responsible for the protection of children and for providing services to families.

Evidence. Witness testimony and anything that is given to the judge to read or see so that the judge can decide what to do in the case. There are many rules that control what kind of writings and other things the judge can consider.

Ex parte hearing. A hearing where only one party is present because it is an emergency and there is no time to tell the other parties.

Experts. Usually medical, mental health, or other professionals who help the judge decide what to do in the case. They may work for your lawyer, the child's lawyer, DCF, or the judge (such as psychologists in the court clinic). Some experts testify in court, while others only help explain information to the lawyers. There are many rules that control who can be an expert and what that expert can say to the judge if the expert is testifying in court.

Fair Hearing. An appeal within DCF of a decision that you do not like. For example, if DCF supports a 51A (see below), you may appeal (seek review of) that decision before a Fair Hearing Officer. The Fair Hearing is like a mini-trial, with relaxed rules of evidence. The judge can review other decisions by DCF. You should talk to your lawyer about what decisions can be appealed to the judge and what decisions must go to a Fair Hearing.

51A. From a statute, Massachusetts General Laws chapter 119, Section 51A, it refers to a report of suspected abuse or neglect of a child. Some professionals, such as doctors, teachers, daycare workers, and social workers, are "mandated reporters." This means that they must report suspected abuse or neglect to DCF. Everyone else—friends, neighbors, relatives—may report but does not have to. Lawyers are not "mandated reporters."

51B. From a statute, Massachusetts General Laws chapter 119 Section 51B, it refers to DCF's investigation of a report of suspected abuse or neglect under Section 51A. The investigation is usually written up in a report by a DCF worker (the "51B investigator"). If DCF "supports" the 51A after a 51B investigation (that is, decides that the report is true), you may be able to appeal this decision in a "Fair Hearing."

Findings. The facts, as the judge sees them, usually in writing. The judge uses his or her findings to support whatever decision he or she makes.

Foster Care. Where DCF places a child in its legal custody. There are many types of foster care, including foster homes, group homes, and residential housing.

Foster Home. A specially-trained private home where DCF places a child in its legal custody to live. The foster parents may be strangers to you and your child. They may care for more than one child. Alternatively, they may be your friends or relatives who are allowed to care just for your child (a "child-specific foster home").

Group Home. A group home is a living situation where many children, usually teenagers, live. Group homes are staffed with many adults who supervise the children, educate them, and make sure that their needs are being met.

Guardian ad Litem (pronounced, "add light-em"). A person appointed by the judge to help the judge make certain decisions about the case (also known as a "GAL"). "Investigator" GALs interview parents, children, and other people who know the family and report what they have learned to the judge. "Evaluator" GALs write reports to the judge about a particular issue, such as whether there is a strong bond between you and your child, or whether visitation is good for your child. "Next friend" GALs help a lawyer decide what his or her client wants to do. A "Rogers" GAL makes a recommendation to the judge about whether a child in DCF's custody should receive extraordinary medical care (such as non-emergency surgery or anti-psychotic medication). Sometimes judges give GALs other roles, such as helping children get proper educational services.

Guardianship. A type of legal custody of a child by someone other than a parent or DCF. Temporary guardianship may expire after a certain number of days or may be changed by the court after a short hearing. Permanent guardianship lasts until the child turns 18.

Hearing. An event at court in front of the judge.

Hearing on the Merits. A care and protection trial.

IEP/Individual Education Plan. Describes special education services that the school system will provide to a child attending elementary, middle or high school.

Indigent/Indigence. Parents are indigent if they cannot afford to pay for a lawyer or for the costs of a legal case. Indigence is measured in many ways: Parents are considered indigent if they are receiving public assistance, including food stamps or Supplemental Security Income (SSI); are in jail or a correctional facility and have no money; are living in a hospital or certain other types of residential facilities; or have an after-tax income of less than 125% of the "poverty threshold." The court has forms that explain the income limits. Parent may be "indigent but able to contribute" if they have an after-tax income of between 125% and 250% of the "poverty threshold." A probation officer makes the first decision about whether a parent is indigent, but a judge can review that decision if the parent disagrees with it.

Interpreter. If a parent or child does not speak English, an interpreter will help him or her to speak to his or her lawyer and the judge. The interpreter will also help the parent or child understand what is being said in court.

Interstate Compact. The Interstate Compact on the Placement of Children, or ICPC, is a set of rules that DCF and the judge must follow in order to send a child to live in another state. A child cannot be sent to another state (except for short visits) unless that other state's child protection agency does a "home study" and approves the home. This out-of-state approval process often takes many months.

Judge. The person who decides the important issues in a case, such as who has custody of a child, whether a case is dismissed, and whether parental rights are terminated.

Kinship Placement. Placement of a child in DCF's custody with that child's relative.

Motion. A request by a party (see below) for a judge to take some action in the case. Some motions are oral (spoken requests), but most are made in writing. Examples of motions include motions for the judge to order more visitation, motions for the judge to order DCF to give the lawyers certain documents, and motions to bring an incarcerated parent into the court.

Neglect. Failure, by a caretaker, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition.

Ombudsman. A person who investigates complaints and tried to resolve disputes.

Open Adoption Agreement. An agreement between a birth parent and an adoptive parent about visitation, or some other kind of contact, with a child who is to be adopted. Open adoption agreements must be signed by the birth parent, the adoptive parent, DCF, and the lawyer for the child. These agreements are also called "post-adoption contact agreements."

Party. A person who is participating in a legal case. Parents, children, and DCF are parties to a care and protection case.

Paternity. A legal case about whether a particular man is a child's biological father. A paternity action is sometimes filed in Juvenile Court during a care and protection case, but more often it is filed in the Probate and Family Court. The man who is claiming to be the child's father usually must agree to blood or other testing in order to prove that he is the father of the child.

Permanent Custody. Legal custody of a child until that child turns eighteen.

Permanency Goal. This is the long-term placement plan for your child. There are six possible goals: Return Home, Reunification with another parent, Adoption, Guardianship (usually with another relative such as grandparent), Supportive Living (usually for disabled children), and Living Independently (usually for older teenagers).

Permanency Hearing. A hearing at which DCF presents its permanency goal for the child to the judge. The judge must approve or deny DCF's plan. Parents and children have the opportunity to object to DCF's plan in front of the judge.

Petition. The written request by DCF (and very rarely by someone else) to start a care and protection case. The petition is filed along with an affidavit of a DCF worker that explains why DCF believes the child is in need of care and protection.

Post-adoption Visitation. The judge may order visits, or the exchange of letters and photographs, between a birth parent and child after the child has been adopted. Judges can only do this if post-adoption visits or contact is in the child's best interests.

Privilege. Legal protection for things you say to your lawyer or therapist so that no one can force them to share your conversations with others (even the judge).

Probation Officer. A court employee with many responsibilities in the Juvenile Court. Probation Officers recommend whether a parent can have a court-appointed lawyer because he or she is indigent. They produce a parent's or witness's criminal offender records (CORs) for the judge. They do an investigation and report to the judge about whether parents are participating in services and how children are doing at home or in foster care. They also supervise children in CHINS cases (see above). If a CHINS case goes to trial, the Probation Officer presents the case to the judge.

Pro bono. For free.

Pro se (pronounced, "pro say"). Without a lawyer. To "appear pro se" is to participate in a hearing without a lawyer. This is not usually a good idea in these types of cases.

Residential Program. A program for children who need a larger facility with more structure and a variety of staff. Children in residential programs frequently need many medical, psychological, and behavioral services.

Reunification. The return home of a child to his or her parent. Sometimes DCF also uses this term for the placement of a child with a previously non-custodial parent. The reunification may take place right away, or it may take many weeks, with gradually increasing visitation. A "goal" of reunification means that DCF is working toward reunifying a child with his or her parent, but it does not mean that the reunification will happen on any set date.

72-Hour Hearing. After DCF removes children from a parent, the judge must hold a hearing within 72 hours. At this hearing, parents and children can ask the judge to return the children or to give custody to someone other than DCF. A 72-hour hearing may include witnesses and exhibits. If a parent "waives" the 72-hour hearing, it means that the parent is not going to fight the removal by DCF and is not going to ask the judge to give custody to someone else at that time.

Stipulation. An agreement. The lawyers may agree (stipulate) that certain evidence can be presented to the judge. A stipulation for judgment is an agreement by the parties to a particular decision, such as a decision that a child is in need of care and protection.

Taking the witness stand. A person who sits in the witness's chair and swears to tell the truth under oath "takes the witness stand" or "takes the stand."

Temporary Custody. Custody until the next court hearing, or until the hearing on the merits (trial). The court can give DCF, a parent, or another person temporary custody.

Termination of Parental Rights. After a care and protection trial, the judge can do many things, including terminating parental rights (TPR). If parental rights are terminated (ended), a parent loses all rights to that child, including visitation. Terminating parental rights frees the child to be adopted by another person. Even if the child is not adopted after a parent's rights are terminated, the parent cannot ask the court to review the case and get another chance for reunification.

Testimony. A witness who answers questions on the witness stand under oath (swearing to tell the truth) gives "testimony."

Unfitness. At a care and protection trial, DCF must prove by clear and convincing evidence that a parent is "unfit" before the judge can give DCF permanent custody of a child or terminate parental rights. Unfitness generally means a serious problem—such as drug or alcohol abuse, untreated mental illness, physical or sexual abuse, or exposure to domestic violence—which a parent cannot solve before trial. A parent can also be unfit if he or she cannot meet the needs of a particular child. For example, a parent with none of the problems listed above who is stretched to the breaking point by caring for four other children may be unfit to care for a fifth child who has serious medical or mental health problems.

Visitation. When DCF has legal custody of a child, it has the power to control visits with the child. See Chapter "4: Visiting Your Child" page 18, for more information.

Waive/Waiver. To give up a right. To waive counsel means giving up the right to a lawyer. To waive a 72-hour hearing means giving up the right to have the hearing.

Witness. A person who answers questions on the witness stand under oath (swearing to tell the truth).

B. Getting the Support You Need: A Statewide Resource List

The Commonwealth of Massachusetts has many agencies and nonprofits whose goal is to help you. Take advantage of their resources and assistance.

24 Hour Telephone Hotlines

Parental Stress Line, 1.800.632.8188. A 24-hour-a-day helpline for parents/caregivers operated by Parents Helping Parents. Information available about weekly Parent Support Groups. www.parentshelpingparents.org. Translation service available.

Safe Link, 1.877.785.2020. A 24-hour domestic abuse hotline and referral services operated by Casa Myrna Vasquez. Information available about shelter openings. Multilingual.

Suicide Prevention, 617.247.0220. A 24-hour hotline for adults who are depressed and expressing suicidal feelings operated by Samaritans of Greater Massachusetts. English only.

Crisis Information – Spanish, 1.800.254.7568.

Rape Abuse and Incest National Network, 1.800.656.4673 (1.800.656.HOPE). A 24-hour hotline providing confidential advice and referrals to local community services agencies. Secure online hotline available. www.rainn.org. English and Spanish.

National Runaway Switchboard, 1.800.786.2929 (1.800.RUNAWAY). A 24-hour crisis hotline for youth and families, with referrals to local (social service) agencies. Translating services available.

Crisis Hotline, 1.800.448.3000; TTY 1.800.448.1833. A 24-hour crisis hotline for youths and families to help address suicide prevention, drug problems, child abuse, and many other issues/problems operated by Boys Town. www.boystown.org. Multilingual.

Legal Services

Legal Advocacy and Resource Center, 1.800.342.5297 or 617.742.9179. Free legal information, advice, and referrals for low-income Massachusetts residents. Monday, Thursday, Friday, 9:00 a.m.–3:30 p.m.; Tuesday, 9:00 a.m.–3:30 p.m. and 4:00–7:30 p.m.; Wednesday, 9:00 a.m.–12:30 p.m. www.larcma.org.

National Lawyers Guild, 617.227.7008. Lawyer referral service for low-income clients. Monday–Friday, 9:00 a.m.–3:00 p.m. (No walk-ins.) 14 Beacon St., Suite 404, Boston, MA 02108. www.nlgmass.org/lrs. English and Spanish.

National Alliance for Family Court Justice, 1.978.388.0463. An international group of volunteers dedicated to addressing failures in the court and social services systems. Contact Massachusetts State Director Robin Weisenstein, robinw_01854@yahoo.com. www.nafcj.net.

Drug and Alcohol Prevention and Treatment

Al-Anon/Alateen and Family Groups, 1.508.366.0556. Support groups for family members/friends affected by another's alcoholism. 57 East Main St., Suite 109, Westborough MA 01581-1457; LDCofMa@aol.com; www.ma-al-anon-alateen.org.

Alanon Family Groups of MA., 1.508.366.0556. 57 East Main St. Suite 109, Westborough, MA 01581-1457; LDCofMa@aol.com; <http://al-anon-alateen.org>.

Alcoholics Anonymous, 617.426.9444. A group of men and women helping themselves and others to recover from the disease of alcoholism. 12 Channel Street #604, Marine Industrial Park, Boston, MA 02210. www.aaboston.org. Multilingual meetings available.

Naranon Family Groups, 1.800.477.6291. A support group for those affected by someone else's addiction. www.nar/anon.org.

Narcotics Anonymous, 1.866.624.3578 (1.866.NA.HELP.U). A support group of men and women helping themselves and others to recover from the disease of addiction.

Medical and Mental Health Services

Medicaid/MassHealth, 1.800.841.2900; TTY 617.988.3301. State health insurance programs for low-income people. Monday–Friday, 8:30 a.m.–5:00 p.m. English and Spanish.

National Alliance for the Mentally Ill, 1.800.370.9085. A nonprofit advocacy group offering supportive services for people with mental illness and their families. English only. 9:00 a.m.–5:00 p.m. www.nami.org.

Governmental Agencies

Committee for Public Counsel Services, Children and Family Law Division, 617.482.6212. For complaints about lawyers.

MA Department of Transitional Assistance, 617,348,8500. State agency assisting families/individuals with basic needs (food, emergency shelter, domestic violence support, job assistance) in order to improve their circumstances. Monday–Friday, 8:45 a.m. – 5:00 p.m. www.mass.gov. English and Spanish.

MA Department of Mental Health, 1.800.950.6264. Information and referral for services. Monday–Friday, 8:45 a.m. – 5:00 p.m.

MA Department of Children and Families, Central Office, 617.748.2000. Monday–Friday, 8:45 a.m.– 5:00 p.m.

MA Department of Children and Families, After Hours Emergency, 1.800.892.5200.

MA Department of Children and Families Ombudsman’s Office (to register complaints): 617.748.2444. Monday–Friday, 8:45 a.m.–5:00 p.m.

Office of the Child Advocate, 617.979.8360. For concerns about the services your child is receiving from a state agency. Monday–Friday, 8:45 a.m.–5:00 p.m.

Virtual Gateway, 1.800.421.0938, TTY 617.988.3301. Online application and information for services including MassHealth, food stamps, and child care, among others. The Virtual Gateway brings information and access together in a single location on the Internet for individuals, families, providers, and government. Sign in and create a password and you’ll be able to access a lot of helpful information. Monday–Friday, 8:30 a.m.–5:00 p.m. www.mass.gov.

Parenting Support

Family Nurturing Center of Massachusetts, 617.474.1143. For Family Nurturing Programs, parenting support and parent/child playgroups. Daytime and evening programs.

Massachusetts Children’s Trust Fund, 617.727.8957. For information about various parenting classes throughout the state and to access a parenting resource library.

Publications

Rise Magazine. A magazine by and for parents who have gone through the system, mostly in New York City. www.risemagazine.org.

Kids and the Law: A User’s Guide to the Court System. A good resource for parents involved with DCF in a CHINS case. Call to order a copy by mail. 617.494.0135; Adolescent Consultative Services, 40 Thorndike Street, Cambridge, MA 02141.

C. Care and Protection Time Frame

Note: This is typical timing, but not all hearings and other events take place on this schedule.

Day 1:	Filing Care and Protection Petition; Emergency/Ex Parte Hearing—Only DCF is present.
3 days:	72-Hour Hearing
45 days:	Service Plan
60+ days:	Court Investigator Report filed in Juvenile Court (60 days from filing on Day 1 or 45 days from Court Investigator’s appointment at parent’s home)
90 days:	Motion Status Conference
120 days:	Pre-trial Conference
6 months:	Foster Care Review (and every six months thereafter if child is in DCF’s custody)
9 months:	DCF Internal Permanency Planning Conference
11 months:	DCF files Permanency Plan

12 months:	Permanency Hearing; Foster Care Review
12–15 months:	Trial (“Hearing on the Merits”)
15–18 months:	Findings & Judgment (judge’s decision); Notice of Appeal must be filed within 30 days
18 months:	Foster Care Review
24 months:	Permanency Hearing; Foster Care Review

D. Massachusetts Juvenile Court Phone Numbers

<i>Barnstable County</i>	Barnstable County/Town of Plymouth Division, with sessions in Barnstable, Plymouth, Orleans, Falmouth, Edgartown, and Nantucket 508.362.1389
<i>Berkshire County</i>	Berkshire County Division, with sessions in Pittsfield, North Adams, and Great Barrington 413.443.8533
<i>Bristol County</i>	Bristol County Division, with sessions in Fall River, New Bedford, Taunton, and Attleboro 508.676.0090 x111
<i>Dukes County</i>	See Barnstable County
<i>Essex County</i>	Essex County Division, with sessions in Lawrence, Lynn, Salem, and Newburyport Lawrence: 978.725.4900 Lynn: 781.586.0415 Salem: 978.745.9660 Newburyport: 978.462.0617
<i>Franklin County</i>	Franklin-Hampshire Counties Division, with sessions in Northampton, Ware, Greenfield, and Orange 413.584.7686 x 3
<i>Hampden County</i>	Hampden County Division, with sessions in Springfield, Holyoke, and Palmer Springfield: 413.748.7714 Holyoke: 413.533.1482
<i>Hampshire County</i>	Franklin-Hampshire Counties Division, with sessions in Northampton, Ware, Greenfield, and Orange 413.584.7686 x 3
<i>Middlesex County</i>	Middlesex County Division, with sessions in Cambridge, Framingham, Lowell, and Waltham Cambridge: 617.494.4100 Framingham: 508.879.3561 Lowell: 978.441.2630
<i>Nantucket County</i>	See Barnstable County
<i>Norfolk County</i>	Norfolk County Division, with sessions in Dedham, Quincy and Stoughton Dedham Session: 781.329.1500 Quincy Session: no Care and Protection Stoughton Session: 781.341.9162
<i>Plymouth County</i>	Plymouth County Division, with sessions in Brockton, Wareham, and Hingham 508.586.4030
<i>Suffolk County</i>	Suffolk County Division, with sessions in Boston, Dorchester, West Roxbury, and Chelsea 617.788.8571
<i>Worcester County</i>	Worcester County Division, with sessions in Worcester, Dudley, Fitchburg, Milford, and Leominster Worcester: 508.831.2000 Dudley: 508.949.3070 Fitchburg: 978.345.7620 Milford: 508.478.8638

E. Documenting My DCF Case

Use this log to help you keep track of all the contacts and people who are a part of your case. Use one line for each contact or interaction about your case. (Interactions include conversations, meetings, correspondence, and messages with people involved with your case.) You can also use the log to track future appointments. For each entry, note the date, who attended, what was discussed or decided, and what follow-up is expected. Also, make an entry if you left a message, mailed, or emailed a letter. The sample entry shows you how to use this chart.

Date/Time, Location (if relevant)	Who (include all attendees for meetings)	Type of Contact (e.g., Meeting, Phone, Voice Message, Mail, E-mail)	Bring With Me	Notes for Meeting	What Was Discussed or Decided	Follow Up Required
SAMPLE ENTRY						
7/21/09, 10:30 am	Mary O'Reilly, Lawyer	Phone Call	n/a	Ask about using my counselor as a witness at the trial.	I am going to ask my counselor to be one of my witnesses.	Call Counselor and ask her to write a letter on my behalf and tell her the trial date.

Date/Time, Location (if relevant)	Who (include all attendees for meetings)	Type of Contact (e.g., Meeting, Phone, Voice Message, Mail, E-mail)	Bring With Me	Notes for Meeting	What Was Discussed or Decided	Follow Up Required

F. My Service Plan Log: Recording Proof of Cooperation

Keep a journal of your participation in activities that are part of your service plan. Each time, ask the group facilitator or other professional to sign this form to confirm that you attended.

This is a sample page, showing what you should record in your notebook. You can photocopy this page if you like, so that you have as many journal pages as you need.

Group or Other Service Plan Task	Date/Time and Location	Follow- Up Expected	Other Notes	Signature of Group Leader to Confirm Your Attendance
SAMPLE ENTRY				
Attended Weekly Anger Management Group	June 23, 2009, 6pm, Community Church	Complete worksheet assigned.	Try to get there early to talk to the instructor before class.	<i>(signature goes here)</i>

Group or Other Service Plan Task	Date/Time and Location	Follow- Up Expected	Other Notes	Signature of Group Leader to Confirm Your Attendance

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Parents Helping Parents
108 Water Street
Watertown, MA 02472
617.926.5008
www.parentshelpingparents.org



Family Nurturing Center
200 Bowdoin Street
Dorchester, MA 02122
617.474.1143
www.familynurturing.org