

Information for Parents

Your Rights and Responsibilities in a Child in Need of Care Case

Usually parents raise their children without the involvement of state agencies or the court. If something happens that may threaten a child's health, safety, or well being, the state may step in. In a Child in Need of Care case, the court decides if and how the state will become involved to protect a child. Under the Revised Kansas Code for the Care of Children, a child is a "Child in Need of Care" if one or more of the legal grounds is proved.

Your Rights and Responsibilities:

1. Care, Custody, and Support of Children – As a parent, you have a right to the custody of your child and the responsibility to care for him or her. It is the court's job to balance your rights and the child's right to be healthy and safe. The person filing the petition that starts the case, usually the county attorney or district attorney, must prove one or more legal grounds for interfering with your rights. If your child is not living with you, you may be responsible for paying child support.
2. Notice of Proceedings – You have a right to be told ahead of time about court hearings that affect you and your child. You will be notified when the case begins. After that you will be told, either in court or by mail, about hearings and other proceedings. If you move, it is your responsibility to tell the court your new address.
3. Lawyer – You have a right to have a lawyer. The court will provide a lawyer if you cannot afford one. Your child will have a different lawyer called the guardian ad litem. It is your responsibility to request a lawyer and provide the necessary information if you want the court to provide one. It is also your responsibility to stay in touch with your lawyer.
4. Permanency plan – You have a right to take part in making the permanency plan. The permanency plan sets out the steps to be taken to help your family. It is your responsibility to follow the permanency plan as it applies to you.
5. Participation – You have a right to attend hearings. You may participate by presenting evidence and calling and cross-examining witnesses. If you have special needs, such as difficulty with English or hearing loss, you may have a right to have help provided so that you can participate in hearings. (If you have special needs contact the clerk of the court or _____). You have a responsibility to come to the hearings and to follow the court's rules.
6. Parent Ally – You have a right to a trained parent ally. If you want a parent ally, it is your responsibility to ask.
7. Appeal – You have the right to appeal some of the court's decisions. It is your responsibility to file the appeal or have your lawyer file the appeal within the time limits provided by law.
8. Disability – If you have a disability, that disability cannot be the reason for removing your child from the home unless the disability causes harm to the child. The court must consider possible accommodations for the disability. It is your responsibility to inform your lawyer and the agency preparing the permanency plan of your disability.

The Steps in a Child in Need of Care Case

To understand your rights and responsibilities, you should understand the steps in a Child in Need of Care case. There may be a number of different types of hearings that serve different purposes. Some of these hearings may be combined, repeated or not used, depending on the case. The most important steps are:

- The Petition – A Child in Need of Care case officially starts with a petition, which is usually filed by the county or district attorney. The petition says why the court should get involved to protect the child.
- The Permanency Plan – Early in the case, a permanency plan will be prepared that says what needs to be done to help your family. It may include services to be provided to you, your child and family as well as conditions and requirements you must meet. Doing what the permanency plan says is the most important thing you can do to keep your child.
- Temporary Custody – Your child may be removed from your custody during the case. Even before the case begins, your child may be taken into protective custody if there is reason to believe that your child may be harmed. In such a case, within 72 hours (not counting weekends and holidays) there will be a temporary custody hearing. At the hearing, the judge will decide if your child can return home.
- Adjudication – The adjudication is the court hearing to decide whether your child is a Child in Need of Care. If the judge decides that there is not enough evidence, the case ends. If the judge decides that the child is a Child in Need of Care, the next step is disposition, which may occur at the same hearing.
- Disposition – The disposition is the court hearing in which the judge decides what to do for you and your child. The judge has many choices and the judge's decision will be based on the evidence and the best interests of your child. The disposition will set a goal for your child to have a permanent home that is healthy and safe. In most cases, the goal is to keep a child with the parents or to make it healthy and safe for the child to return to the parents.
- Permanency Hearings – A permanency hearing is a court hearing that checks on the progress that has been made toward the goal set at the disposition. It is very important for you to follow the permanency plan and make progress toward that goal. If the judge decides you have not made enough progress, the goal may be changed to termination of your parental rights.
- Termination of Your Parental Rights – In some cases, the court may permanently remove a child from the parents' custody and terminate parental rights. This may be a possibility from the beginning of the case.

Authority

K.S.A. 38-2205(b).

Notes on Use

The purpose of this pamphlet is to advise the parents of their rights in connection with all proceedings under the Child in Need of Care code. The court shall distribute the pamphlet to the parents of a child alleged or adjudged to be a Child in Need of Care at the first hearing.