

## **Information for Grandparents**

### **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. "Interested Party" – In a Child in Need of Care case, people other than the parent(s), child, and state may participate. They are called interested parties. As a grandparent, you are an interested party. Interested parties are under the jurisdiction of the court.
2. Notice of Proceedings – You have a right to be notified when your grandchild's case has begun. As an interested party, you will be told, either in court or by mail, about hearings and other proceedings. You will be notified if there is a hearing to terminate parental rights. If you move, or if your mailing address changes, it is your responsibility to tell the court your new address.
3. Lawyer – As an interested party, you have a right to hire a lawyer to represent you in the case. If your grandchild lived with you for a significant period of time within six months of the start of the case and you cannot afford a lawyer, the court may, but is not required to, provide you with a lawyer. It is your responsibility to request a lawyer and provide the necessary information if you want the court to provide one.
4. Permanency Plan – An interested party has a right to take part in making the permanency plan. The permanency plan sets out the steps to be taken to help the child's family. It is your responsibility to follow the permanency plan as it applies to you.
5. Participation – An interested party may participate at hearings before the court by presenting evidence and calling and cross-examining witnesses, unless the court decides that it is not in the child's best interest for you to do so. The court may not prevent you from attending the proceedings, making a statement to the court, or having access to the official file. You have a responsibility to come to the hearings and to follow the court's rules.
6. Appeal – As an interested party, you have the right to appeal some of the court's decisions. It is your responsibility to file the appeal or if you have an attorney, to have your lawyer file the appeal within the time limits provided by law.
7. Nondiscrimination – You have a right to a decision that is free from discrimination on grounds such as race, national origin, or gender.

## 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. A copy of the petition will be sent to you at the last address you provided to the court.
- The Permanency Plan – Early in the case, a permanency plan will be prepared that says what needs to be done to help the family. It may include services to be provided to the parents, the child, and the family. It may also include conditions and requirements you must meet.
- Temporary Custody – A child may be removed from his or her home during the case. Even before the case begins, a child may be taken into protective custody if there is reason to believe that the 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 the child can return home.
- Adjudication – The adjudication is the court hearing to decide whether a 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 the child and the family. The judge has many choices and the judge's decision will be based on the evidence and the best interests of the child. The disposition will set a goal for the 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. Notice of disposition will be sent to you at the last address you provided to the court.
- 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 parents to follow the permanency plan and make progress toward that goal. If the judge decides parents have not made enough progress, parental rights may be terminated. Notice of permanency hearings will be sent to you at the last address you provided to the court.
- Termination of 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. Notice of a termination hearing will be sent to you at the last address you provided to the court.

Authority

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

Notes on Use

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