

Child in Need of Care Handbook:

Family Services

A Guide for Families



This handbook gives general information about child in need of care cases. It is not legal advice. The information in the handbook is only an overview and does not cover all situations or legal options. Legal advice depends on your unique situation. You should only take legal advice from your attorney. Please ask your attorney to answer any questions you have.

Introduction

Welcome to Jefferson Parish Juvenile Court. Having a child welfare case can be confusing, scary, and stressful. We want to help you understand what is happening and what to expect. Keep in mind that your child's wellbeing is the Department of Children and Family Services (DCFS) and this Court's top priority. The health, safety, and best interest of your child is the most important concern while your case is ongoing.

Keep this handbook with you so you can write the names and contact information of people in your case and the dates of your meetings and court hearings.

Jefferson Parish Juvenile Court is located at 1546 Gretna Boulevard in Harvey. The Clerk of Court is located in our courthouse. The Juvenile Court and Clerk of Court's phone number is 504-367-3500.

My Contacts

Agency/Position	Name	Contact Information
DCFS case worker		
DCFS case supervisor		
My attorney		
My child/ren's attorney		
Court Appointed Children's Advocate (CASA)		

My docket number is _____. My case is in section _____.

The dates I have to come to court are: _____

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What is this Handbook?

This handbook describes what happens when the Department of Family Services investigates a report of child abuse and/or neglect and the case comes to court. This handbook does not give legal advice. Each case is different. Every possible situation cannot be covered in a handbook like this. Your case might not go exactly the way this handbook describes. This handbook will tell you about how these cases work most of the time. Please ask your attorney any questions you have.

To make this handbook easier to read, while you may have one or more children, this handbook will just use the word “child.” It also shortens the phrase “health, welfare and safety” to “wellbeing.” Any time you see the word “wellbeing” that means “health, welfare, and safety.”

If you want to read the laws about child in need of care cases, they are written in a book called the Louisiana Children’s Code Handbook. The laws start at article 601 and end at article 725.

This handbook only covers cases referred to the Family Services division of DCFS. There is separate handbook that covers cases referred to the Foster Care division of DCFS.

What is the Department of Children and Family Services?

The Department of Children and Family Services is called DCFS for short. It is a state agency that investigates and intervenes to protect children. For example, DCFS also runs programs such as food stamps and helps with disaster relief after a hurricane. This handbook will only cover what DCFS does in child welfare. Child welfare cases are called child in need of care cases or CINC.

When someone is worried about a child’s wellbeing, they make a report to DCFS. DCFS then contacts the family and gathers information to ensure the child is safe. If DCFS finds that a child’s wellbeing is at risk, DCFS will file papers with the court asking the judge to supervise the family. Depending on how serious the risk is to the child, the family’s ability to protect the child, and the child’s ability to protect themselves, DCFS may ask the judge for a safety plan or even ask that DCFS be granted custody of the child.

DCFS also helps families get the services they need like parenting classes or mental health treatment so the family can fix the reasons why a report was made to DCFS.

How is DCFS organized?

What is the difference between foster care and family services cases?

DCFS employees are divided into different programs:

Child Protection Investigators (CPI): CPI investigates the reports that are made to DCFS. They create safety plans for family services cases.

Family Services: When the CPI finds that the child’s wellbeing is at risk but that the child will be safe if the parents follow certain rules, a family services case is opened.

Foster Care: When the CPI finds that the child’s wellbeing is at risk and the child must be removed from their parent’s custody, a foster care case is opened.

Family Services

How did I get here and what is Family Services?

DCFS got a report that your child is being abused and/or neglected. DCFS sent a Child Protection Investigator (CPI) to gather information and check on the child. The CPI found that your child's wellbeing is at risk, but that your child can be safe while staying in your legal custody. The CPI worker will work with you to figure how to protect your child's well-being. The rules that you will have to follow to keep your child safe and in your custody is called a safety plan.

What is a safety plan?

When the CPI investigated your family, they found that your child's wellbeing is at risk. The CPI worker found that there are ways to keep your child safe without taking custody away from you. The CPI worker worked with you to figure out how to protect your child's wellbeing. Those things make up your safety plan. For example, the safety plan might say that your mother is the safety monitor. That means that when you want to be with your child that your mother must be present. In other cases, if a CPI finds that a parent has an issue with substance use, the safety plan might say that the parent will go into a rehabilitation program and the child will live with an aunt until the child can safely return to the parent.

The rules of your safety plan depend on your situation and the reasons why DCFS found that your child's wellbeing is at risk. DCFS will explain your safety plan to you and make sure you understand it. If you sign the safety plan, that means that you agree to follow the rules in the safety plan.

Will the court be involved?

It depends on your case. DCFS may decide that your safety plan does not need to go to court. The safety plan would be between you and DCFS. If you do not follow the safety plan, DCFS might ask the court to oversee the safety plan, or DCFS may ask the court for custody of your child. When custody is taken from a parent and granted to DCFS, that is a foster care case. Those type of cases are discussed in the foster care handbook.

What happens if the court is involved?

DCFS may decide that the court should supervise your case. If so, DCFS will file the safety plan with the court. At that point, you and your child will be given attorneys to represent you. You will have a hearing in front of a judge within three (3) days after DCFS files the safety plan with the court. The hearing is called a continued safety plan hearing. When counting the three days, weekend days do not count.

If you agree to the safety plan you will sign the safety plan and it becomes a court order. If you have a safety monitor, the judge will likely want them to come to the hearing too so everyone knows what rules they need to follow.

If you do not agree to the safety plan, DCFS may ask the judge for legal custody of your child.

If you do not follow the rules of the safety plan, DCFS may ask the judge to change the safety plan to add new rules or ask the court to grant custody of your child to DCFS.

What happens next?

The district attorney's office has to file a petition within forty-five (45) days after the continued safety plan hearing. If the district attorney does not file a petition within 45 days, the safety plan goes away and your case is dismissed.

A petition is a document that the district attorney files with the court. The petition lists the reasons why DCFS believes your child's wellbeing is at risk. The list of reasons is also called "allegations." The petition also explains why a safety plan is needed to protect your child's wellbeing.

The petition asks the court to set your case for an Appearance to Answer Hearing (also called an Answer Hearing). You will be given a copy of the petition.

What happens after the petition is filed?

After the petition is filed with the court, the court will set your case for an Appearance to Answer Hearing within 30 days.

At this hearing you can:

- Admit: that means that you agree that the claims (allegations) in the petition are true. OR
- Deny: that means that you deny that the claims (allegations) in the petition are true. OR
- Stipulate: that means that you agree that your child is in need of care but you do not admit that the claims (allegations) in the petition are true.

If you deny, the court will schedule you for an Adjudication Hearing (trial) within one hundred and five (105) days of the Appearance to Answer Hearing.

If you admit or stipulate, you will not have an Adjudication Hearing. Instead, the court will schedule you for a Disposition Hearing. That hearing will take place within 30-45 days. The decision to admit, stipulate or go to adjudication (trial) is an important decision. Please discuss your options with your attorney

What is an Adjudication Hearing?

An Adjudication Hearing is a trial. Trials at juvenile court are different than trials in adult court. In juvenile court, there is no jury. Instead a judge hears the evidence and witnesses and makes the decision. In juvenile court, hearings are confidential meaning the only people involved in the case are allowed in the courtroom.

At the Adjudication Hearing, the district attorney must prove that list of reasons why your child's wellbeing is at risk (called allegations) written in the petition are "more likely than not" true. That is called the preponderance of the evidence standard. It means that the district attorney must prove it is more likely than not that the claims of abuse or neglect written in the petition are true.

At the Adjudication Hearing, your attorney can admit evidence to prove that the claims of abuse and/or neglect against you are not true. Your attorney can call witnesses to testify for you and will ask questions of other witnesses (such as your DCFS case worker).

If the judge finds that the district attorney did not prove the claims in the petition, your case will be dismissed. If the judge finds that the district attorney did prove the claims in the petition, your case will be set for a Disposition Hearing.

What is a Disposition Hearing?

If the judge finds that the district attorney proved the allegations in the petition were true, your case will be set for a Disposition Hearing. This hearing is usually required to take place within 30 days of the Adjudication Hearing. At this hearing, the judge will go over your safety plan. If any other rules need to be added to your safety plan, they will be added.

What happens next?

After your Disposition Hearing, you will be scheduled to come back to court for a review hearing on a regular basis- usually every three (3) to five (5) months. These review hearings are to see how you and your family are doing.

If you are doing well and following your safety plan, DCFS and/or the judge may decide to close your case.

If DCFS and/or the court finds that you and your family are doing okay but still need support and supervision, your safety plan can stay open until the child's 18th birthday.

If you do not follow your case plan, and DCFS believes your child's wellbeing is at risk and cannot be protected without being removed from your custody, DCFS will ask the court for custody of your child. If custody of your child is granted to DCFS, you will then have a foster care case.

Things to Remember

1. When you have questions, ask your attorney and/or your DCFS case worker.
2. Stay in contact with your attorney and DCFS case worker. Let them know if you have a life change such as moving houses or getting a new job. Always make sure they have your contact information and can get ahold of you.
3. Do everything that your safety plan says to do. Ask for help when you need it. You might have a bunch of different things to do and it can be overwhelming. Ask for help.
4. Keep records of everything you are doing. Share them with your attorney.
 - a. Write down all of your appointments and dates you meet with your DCFS case worker. If you get a certificate for finishing a program give it to your attorney.
5. Go to every court hearing. Listen carefully and write down information. Ask questions. Follow the judge's orders. If you cannot go to a court hearing, tell your attorney as soon as possible before the hearing.

Family Preservation Court

What is Family Preservation Court (FPC)?

Family Preservation Court is a program that started in June of 2022. Their mission is to help parents who have a child in need of care (CINC) case mostly due to the parent's substance use issues. Parents with a family services or foster care case can join FPC. FPC is a voluntary program with many supports in place to help parents succeed in reunifying children.

FPC takes a team approach to cases. The FPC staff, DCFS, and Jefferson Parish Human Services Authority (JPHSA) all work closely together help the parent be successful in substance abuse treatment and in following their safety plan. In addition to a DCFS case worker, the parent will have an FPC case manager and a peer who has overcome substance abuse. This "lived experience" means that they have struggled with addiction, are in long term recovery and can help you be successful. The FPC team also helps the parents get into any other services they need like domestic violence classes or parenting classes. FPC will also help get your child any services they need (such as tutoring, counseling, or medical care).

In the first months of FPC, parents come to court more often than they do in a regular CINC case for support and to build supportive relationships with the judge and the rest of the team.

To be eligible for FPC parents must be eighteen (18) years of age or older. Parents must sign a release of information form so that the team can coordinate their treatment and services and stay up to date on how the family is doing. Parents will meet with professionals from JPHSA who assess them to see if they qualify for FPC. Parents also must be willing and able to start treatment. Parents who have a recent violent criminal history or who have been a perpetrator of sexual crimes are not eligible for the program.

If you are interested in this program, please talk to your DCFS case worker or call Courtney, the coordinator, at 504-227-7869.

APPENDIX: Glossary of Terms and Acronyms

Abuse

Any of the following acts that seriously puts a child's physical, mental or emotional health, welfare and safety in danger:

- 1- Inflicting (or trying to inflict) or allowing the infliction of physical or mental injury upon the child by a parent or other person.
- 2- Exploiting or overworking a child by a parent or other person (includes commercial sexual exploitation)
- 3- Involving a child in a sexual act or allowing/tolerating the child to be involved in:
 - a. Any sexual act with any other person, pornographic displays, or any sexual activity that is a crime under Louisiana Law.
 - b. A coerced abortion conducted upon a child.
 - i. Coerced abortion is the use of force, intimidation, or taking away food or shelter (or threats to do so) by a parent or other person to make a child have an abortion against her will whether or not the abortion happened or was attempted.
 - c. Female genital mutilation of the child or of a sister of the child.

Adoption and Safe Families Act (ASFA)

A federal law that governs child in need of care cases (CINC). It sets out timelines and policies that affect CINC cases.

Adjudication Hearing

A trial where the district attorney must prove that the claims of abuse or neglect in the petition are more likely than not true. Your attorney can bring evidence and ask witnesses questions.

Appearance to Answer or Answer Hearing

Within fifteen (15) days after the district attorney files the petition, the appearance to answer hearing will be set. At that hearing you tell the judge whether you admit that the petition is true, deny that the petition is true, or stipulate to the petition. Stipulating means that you agree that your child is in need of care but you do not admit that the allegations in the petition are true.

District Attorney/Assistant District Attorneys (DA/ADA)

Attorneys who represent the state of Louisiana in CINC cases.

Department of Children and Family Services (DCFS)

A state agency that oversees programs to keep children safe, and help people and families become self-sufficient. DCFS investigates reports of child abuse, neglect, and abandonment and helps families get the services they need so parents can keep their children safe.

Caretaker:

An adult who lives with a child and is responsible for a child. Anyone legally obligated to provide or secure care for a child, including a parent, guardian, legal custodian, and foster home parent.

Case review hearing

The purpose of the hearing is to see if the parent is following the safety plan and if the issues that led to the case being filed have been fixed. The judge will want to hear how the child is doing and when it might be safe to close the case.

Child

A person under eighteen years of age who has not been emancipated.

Child in Need of Care (CINC)

A court case that deals with child welfare. DCFS brings these cases to juvenile court if they believe a child has been abandoned or is being abused or neglected.

Clerk of Court (COC)

The office that keeps court's records. Petitions and motions are filed with the clerk of court. The clerk of court enters the information into the court's database and sends the documents to the court.

Continued Safety Plan Hearing

A hearing held within three (3) days after DCFS files a safety plan with the court. The court reviews the safety plan with DCFS and the parent. The parent signs the safety plan.

Disposition Hearing

A hearing that takes place thirty (30) days after the adjudication hearing. The safety plan rules are reviewed and approved by the court

Family Preservation Court (FPC)

A collaboration between the court, DCFS, and JPHSA designed to help parents or guardians with a substance use disorder who have a child in need of care case (CINC).

Foster care

A living arrangement for a child who is removed from their parent's custody. The child could be placed in a foster family home, a relative's home, a residential facility or other living arrangement that is approved of and supervised by DCFS.

Instant Safety Plan

A safety plan prepared by DCFS and filed with the court.

Jefferson Parish Human Services Authority (JPHSA)

Provides primary health care and behavioral health (mental illness, addictive disorders, developmental disabilities) care for adults and children.

Neglect

The refusal or failure of a parent to give the child food, clothing, shelter, care, treatment or counseling for any injury, illness or condition and as a result the child's physical, mental or emotional health, welfare and safety is substantially threatened or impaired.

Neglect includes prenatal neglect.

If the parent cannot provide for the child due to poverty, that is not neglect.

Newborn

A child who is less than thirty days old.

Other suitable individual

A person who has a close, established, significant relationship to the child but is not related to the child. Examples are a neighbor, god parent, teacher, or close friend of the parent.

Petition

A document created by the district attorney that lists all of the allegations against the parent(s). Allegations are the reasons why DCFS believes a child's wellbeing is at risk.

Prenatal neglect

Exposure to chronic or severe use of alcohol/illegal controlled dangerous substance which results in symptoms of withdrawal in the newborn, a positive drug test upon birth, or noticeable harmful effects in physical appearance or functioning of the newborn.

Protective capacity

A parent's ability to protect their child against dangers. The cognitive, behavioral, and emotional knowledge, abilities, and practices that prevent or control threats of danger to children.

Public Defender's Office/Public Defender (PDO/PD)

The office that employs public defenders.

A public defender is a defense attorney who works for parents who cannot afford to pay for an attorney. Public defenders work for their clients, not for the state or for the court.

Relative

A person who has established a significant relationship with the child who is related to the child.

Safe and safety

Not being unsafe. Whether a child is unsafe depends on the circumstances of each family including the threat of danger to the child, whether the child is vulnerable to the threat and the parent's ability to manage or control the threat.

Safety plan

A plan made by DCFS and the parents in order to protect the child's health, welfare and safety. The plan has rules that the parents have to follow in order to keep the child safe.

Threat of danger

Exists when the behavior of a parent/caretaker or the family situation shows that there is a possibility of serious harm, in the near future, to the child's physical, mental, or emotional health, welfare, and safety.

Vulnerable

The inability to protect oneself from identified threats of danger. For example, a newborn cannot protect themselves from danger but a fifteen-year-old can protect themselves from certain danger

