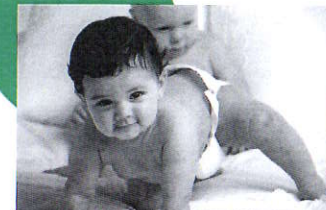


• A Parent's Guide to Child Protective Services •



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IDAHO DEPARTMENT OF
HEALTH & WELFARE

Dear Parent,

Most of the time, it is very upsetting for families to be contacted about child protection concerns. A Child Protection worker is able to come to your home under the authority of Idaho law. This law gives the Department the authority to intervene in families where there are concerns about a child's safety.

At first, our involvement may not feel very helpful. But over time, we can help you and your family. This booklet is one of the ways that we try to help families better understand what they can expect to happen and how to take action on behalf of their children.



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What is Child Protective Services (CPS)?

CPS is one of the activities of staff in local offices of the Idaho Department of Health and Welfare. One of the responsibilities of CPS social workers is to assess reports of suspected child abuse and neglect. Their job is to determine risk, if it exists, and help the family find solutions that will *protect children from harm* while at the same time *strengthen the family unit* so parents may raise their children in a safe, healthful environment. The position of the Department is that the best protection for a child is a strong, supportive family.

How did CPS hear about me?

Idaho law says that any person who has reason to believe that a child is being abused, neglected or abandoned MUST report this to the Department or to the police within 24 hours. Failure to report suspected abuse, neglect or abandonment is a misdemeanor (subject to penalties).

CPS received a report from someone who is concerned that your children are not being given the protection or care they need. CPS social workers cannot release the name of this person to the family. Anyone who reports in good faith is protected from any liability.

What right does CPS have to come to my home?

The best way to determine if children are in danger is to see them and their family in their home. The law *requires* CPS to assess reports of suspected child abuse, neglect or abandonment. A social worker will want to talk to you and to your child. The staff will sometimes talk to your child at school before talking to

you. In addition, the staff will talk to at least one other person who is close to, and knows about, your family. A social worker may continue to visit your home to talk about the difficulties you are having and to assist you in making things safe for you and your family.

When do the police get involved?

A report of suspected child abuse/neglect/abandonment may go to either CPS or to the local police. The police are required to tell CPS about all reports they receive. CPS *is required* to inform the police of all reports they receive, and the police may choose to pursue a criminal investigation.

If your child is believed to be in immediate danger and in need of protection, a police officer will sign a statement for temporary out-of-home care (shelter care). The decision to remove a child from his home must be approved by a judge at a shelter care hearing either before the child is moved or within 48 hours of the time police take the child into custody.

What is child abuse and neglect?

Parents and their children often have troubles. When these troubles seriously affect or present a danger to a child, this may become child abuse or neglect as described by law.

Physical abuse: Injuries to children which are not accidental and result in broken bones, bruises, burns, cuts and other injuries.

Sexual abuse: Using children for sex acts, pornographic pictures, prostitution or other types of sexual activity.

Neglect: Being without adequate care and control (food, clothing, shelter or supervision).

Abandonment: Failure by a parent to maintain contact with his/her child or to provide him/her with a home.

What is out-of-home placement?

Most of the children reported to CPS are *not* removed from their homes. Children are removed from their parents' home by law enforcement only when it appears necessary to protect them from immediate harm. When this does happen, we need your cooperation to help your child be safe and feel secure in foster care.

Once removed, your child may be placed with relatives or in a licensed foster home. Foster families provide care for your child and receive a monthly payment to help meet costs of caring for your child, such as food and transportation. Your child and foster parents are supervised by your assigned social worker as long as the child is out of your home.

Some children are placed in a licensed group home or in another facility, such as a hospital, if they need special care. The social worker continues to have supervisory responsibilities.

What are my rights when my child is removed?

- To be heard at a shelter care hearing within 48 hours after your child's removal from your home (except for weekends and holidays).
- To talk with a lawyer at any time and to have a lawyer represent you in all court actions concerning your child or affecting your rights.

- To receive notice of, and to attend, any court actions held regarding your child.
- To visit with your child unless the court limits visitation. You, your social worker and, in some situations, the court all work together to decide how often, when and where you may visit your child.
- To have your concerns listened to and responded to with respect.
- To be kept informed of your child's health and development, behavior and progress in school.
- To authorize medical treatment for your child.
- To work together with your social worker in making plans for you and your child, and to have a written copy of this plan.
- To receive help and/or counseling to help resolve issues that brought your child into care.
- To question service plan decisions such as recommendations regarding your participation in certain services.
- To know that the Department's records are confidential and court procedures are not open to the public.

How can I get a lawyer?

If a petition has been filed in child protection court, you have a right to be represented by a lawyer. If you cannot afford one, tell the judge. He may either appoint one for you or direct you to a public defender or legal aid office. If you are able to pay for a lawyer, you are expected to hire one on your own.

What are my child's rights?

- The right to be in the care of parents, relatives, custodian or guardian unless otherwise ordered by the court.
- The right to physical care with food, shelter, clothing and education to meet basic needs.
- The right to protection and freedom from harm, harassment, danger, injury and neglect.
- The right to emotional security and a safe, stable home environment.
- The right to health care that includes diagnosis and treatment of medical and emotional conditions.
- The right to have rights protected during any court process. A person called a *guardian ad litem* will be appointed by the court to help protect your child's rights.
- The right to see family members who don't endanger them, consistent with the court order.

What is expected of me?

- To provide information about your child. It is very important that your social worker receive good information to be certain your child gets the best care, medically, educationally and emotionally.
- To visit your child regularly at a time and place agreed upon with your social worker. If you cannot visit, notify your social worker before the scheduled visit.

- To help the foster family know your child's likes, dislikes and routines so your child can have consistency.
- To provide your child with necessary clothes and personal items, such as pajamas, toys or blankets, to help your child be more comfortable.
- To work with your social worker in making a plan for you and your child's future, including actions you need to take.
- To work toward solving issues that may have caused abuse or neglect. If your social worker encourages you to go somewhere to get help for a problem, you should follow up on that suggestion or talk to the social worker about your concerns.
- To tell your social worker about important changes in your life, such as changes of address, telephone number, job, income, marriage or other living arrangements, and changes affecting other members of your family.
- To keep appointments with your social worker. If you cannot keep an appointment or must cancel a visit, let your worker know in advance.
- To talk about your child's care, progress and any concerns about your child that you might have.
- To contribute to the cost of your child's care, court-ordered with child support.
- To participate in court proceedings, reviews and meetings regarding you and your child.

What is a shelter care hearing?

When a child has been removed from his/her home by the police and is placed in shelter care, you are entitled to a shelter care hearing within 48 hours, except for weekends and holidays. The hearing is to have a judge decide if:

- There is reasonable cause to believe your child comes within the authority of the Child Protective Act (abused, neglected, abandoned); and
- The child should remain in shelter care until an adjudicatory hearing is held.

What is an adjudicatory hearing?

Within 30 days of filing a petition under the Child Protective Act by the county prosecutor, a hearing should be held. Witnesses may testify, and a judge will listen to all evidence presented. As a result, the judge may:

- Dismiss the petition and return the child to your care;
- Place your child under protective supervision of the Department of Health and Welfare, which means your child will be able to return home under certain conditions; or
- Give legal custody to the Department, which means the Department is responsible for determining where your child shall live and the court must agree before your child returns to your home.

How do I plan for my child's future?

Having a permanent home to count on is very important for a child. Removing a child from family is traumatic and should be temporary whenever possible. When possible, the goal of your social worker is to end shelter placement and return children to a safe living situation in their own homes.

You can help your child by working with your social worker to develop a family plan. You will be encouraged to involve others who care and are concerned about your family, including other family members, friends, minister, counselor, etc. The plan will say what needs to be done to make it safe for your child to be at home, who will do what, and how long this will take. If returning your child to your home is not possible, other options must be considered, such as living permanently with a relative or adoption. The discussion and decision about a permanent home will involve the parents, Department staff and the court. *Only a judge can make the final decision about a permanent home for your child.*

It is very important to understand that your child must have a permanent home within 15 months. Once your child is removed from your home, the clock starts. This clock is controlled by state and federal laws. If you are unable to provide a safe and permanent home for your child within 15 months, the Department will move forward with permanency for your child.

What is concurrent planning?

Some families have difficulties that are very, very hard to change, such as long-time and serious drug abuse with no attempts to get treatment. If this is true for your family,

your social worker will discuss a two-parent family service plan, called a concurrent plan. In this plan, you will work on two things at once:

- (1) Making your home a safe and stable place so your child can return, and
- (2) Helping prepare your child for another permanent home in case you are not successful with efforts to bring the child home.

What can I do if I disagree with CPS staff?

An open discussion with your social worker usually resolves most disagreements. However, if you and they are not able to agree on a solution, ask to speak to your worker's supervisor.

If you, the supervisor and the social worker still cannot agree, you may want to talk to the regional program manager or regional director for the Department of Health and Welfare.

If a petition under the Child Protective Act has been filed, you also should tell your lawyer about any disagreements between you and your social worker. You may even bring these disagreements to the attention of the judge, who may be able to help resolve them.

What services are available to me and my family?

Department social workers have several roles. They assess reports of abuse, neglect and abandonment. They also help parents with their special needs and work with children and families to help them relate to each other in a positive way without threat of harm.

Your social worker can provide many services to deal with family concerns or refer you to more appropriate agencies or individuals. Most child protection services are provided free without regard to your income. Some services will require you to pay an amount based on your income.

Here are some of the services your social worker MAY be able to help you find (not every one of them will be available in every county):

- 24-hour crisis hotline
- Domestic violence/sexual assault programs
- Family and marital counseling
- Housing/clothing/financial assistance
- Drug and alcohol abuse programs
- Parenting classes
- Mental health services
- Health services/medical/dental care
- Child care/day care
- Employment services
- Homemaker services
- Volunteer assistance: parent aides, Parents Anonymous
- Food banks
- Transportation services
- Family planning services
- Legal services

Being a parent can be a frustrating, exciting and exhausting experience at times. Your social worker wants to help you find ways to understand, enjoy and care for your children. It should not hurt to be a child — neither should it hurt to be a parent.

Where can I get more information?

The law called the Child Protective Act can be found in the reference section of major libraries, through your lawyer or at all county courthouses (ask the clerk of the court), chapters 1601 through 1629 of Title 16 (Volume 3 of the Idaho Code).

Also, ask for an appointment to review the *Family and Community Services Practice Manual* at your local office. This manual has the written agency rules to be followed when doing a risk assessment or providing services.

Family and Children's Services Regional Offices

Region 1
1250 Ironwood Drive
Coeur d'Alene, ID 83814
Office: 769-1515
24-hour emergency:
769-1543

Region 2
1118 F Street
Lewiston, ID 83501
Office: 799-4360
24-hour emergency:
799-4360

Region 3
3402 Franklin Road
Caldwell, ID 83605
Office: 455-7000
24-hour emergency:
454-0421

Region 4
1720 Westgate Drive
Boise, ID 83704
Office: 334-6800
24-hour emergency:
334-0808

Region 5
601 Pole Line Road
Twin Falls, ID 83301
Office: 734-4000
24-hour emergency:
734-4000

Region 6
1070 Hilina Road
Pocatello, ID 83201
Office: 239-6200
24-hour emergency:
235-2525

Region 7
150 Shoup Avenue
Idaho Falls, ID 83402
Office: 528-5911
24-hour emergency:
528-5900

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