Child Welfare Court Process
GUIDE FOR FAMILIES

This handbook provides parents, relatives and caregivers with information about what to expect when a child welfare agency becomes involved with your family.

Prepared by the State of Nevada Program Improvement Project
Through the Nevada Supreme Court | cwcp.nvcourts.gov | January 2021

CONTACT INFORMATION • KEY PEOPLE IN YOUR CASE

YOUR LAWYER

Name: _____

Best Time to Call: _____

Address: _____

Phone: _____

Email: _____

YOUR AGENCY WORKER

Name: _____

Best Time to Call: _____

Address: _____

Phone: _____

Email: _____

YOUR CHILD'S LAWYER

Do not call without your lawyer present or without your lawyer's permission

Name: _____

Best Time to Call: _____

Address: _____

Phone: _____

Email: _____

YOUR CHILD'S GUARDIAN AD LITEM (GAL) OR CASA

Name: _____

Best Time to Call: _____

Address: _____

Phone: _____

Email: _____

OTHER

_____ _____

_____ _____

_____ _____

_____ _____

THE PRIMARY GOAL IS THE SAFETY OF YOUR CHILD

It can be extremely stressful when a Nevada child welfare agency becomes involved with your family. Not knowing what to expect can make it even more difficult. In most cases, the goal is to preserve and reunify your family by making it possible for your child(ren) to be safe in your home.

Use this handbook as a reference guide. It details the time frames for the steps involved, explains what to expect during the family court process, and includes many variations of outcomes which you may or may not face along the way.

This guide has been prepared for general information purposes only and is not legal advice.
See page 16 for information about where to get a lawyer.

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SECTION 1

GENERAL OVERVIEW INFORMATION

Words or phrases highlighted in **bold/blue** are defined in the glossary on page 32.

WHAT IS A CHILD WELFARE AGENCY?

A Child Welfare Agency *(referred to as simply "Agency" throughout this handbook)* is a state or county agency required by Nevada law to receive and assess reports of suspected child abuse and neglect.

The Agency provides services to families that need assistance in the protection and care of their children. The goal of the Agency is to keep children safe in their own homes or place them in out-of-home care when they cannot safely remain with their parents.

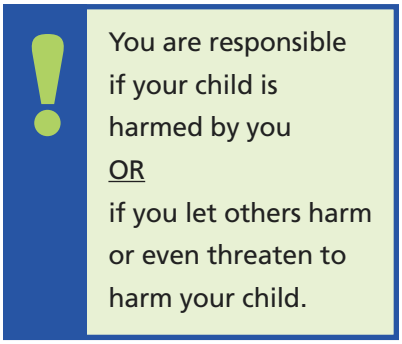
WHY HAS A CHILD WELFARE AGENCY CONTACTED ME?

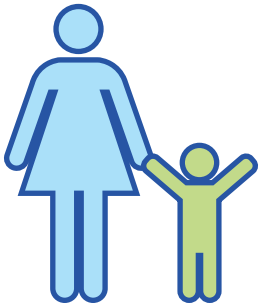
Nevada law requires that certain persons report to authorities if they think it possible a child is being abused or neglected; those people include doctors, dentists, nurses, hospital personnel, daycare providers, clergy, social workers, teachers, and counselors. Any other person who believes a child is being abused or neglected may make a report as well. The identity of the person who made the report is confidential and cannot be disclosed.

WHAT IS CONSIDERED CHILD ABUSE OR NEGLECT?

Under Nevada law, there are several types of abuse or neglect of a child:

- **Physical Injury**
  Injury to a child which is non-accidental, such as bruises, cuts, bites, burns, and/or broken bones.
- **Mental Injury**
  Injury to a child's intellectual or psychological capacity or emotional condition causing the child's normal range of performance or behavior to be impaired.
- **Sexual Abuse or Exploitation**
  Engaging in sexual activity with a child, including fondling and lewdness, encouraging or allowing a child to view pornographic material, engaging in prostitution, or engaging in pornography.
- **Negligent Treatment or Maltreatment**
  Abandonment or failure to provide a child with proper care, control or supervision, food, education, shelter, medical care or other care needed for well-being, including: not having a safe home, leaving a young child alone, or leaving a child with someone who does not properly care for the child or is unable to care for the child.





SECTION 2

CHILD WELFARE PROCESS BEFORE THE COURT IS INVOLVED

Words or phrases highlighted in **bold/blue** are defined in the glossary on page 32.

AGENCY ASSESSMENT

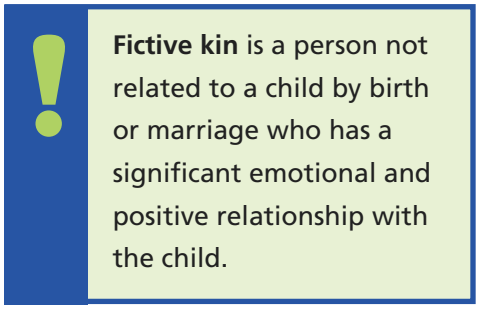
When a report of alleged abuse or neglect of a child is received, the Agency must initiate an assessment which may or may not include an investigation. The nature of the allegations, the child's age and development (vulnerability), among other factors, are considered to determine how quickly a Safety Assessment is started.

Gathering Information

- The **Agency worker** interviews the child, caretakers, siblings, parents/guardians, and others who may have information about the family's situation.
- The **Agency worker** may also gather information from child welfare agencies, law enforcement, medical professionals, and school personnel.
- Nevada law authorizes the Agency to interview a child concerning possible abuse or neglect without the consent of parent/guardian and without a parent/guardian present.

Safety Assessment

- The **Agency worker** assesses the immediate safety (**present danger**) and the future risk of harm (**impending danger**) of all the children in the home considering the following factors:
  - severity of the injury or threat of harm to the child,
  - age and development of child,
  - prior abuse and neglect history in the family,
  - child's home environment and other risk factors and family strengths.
- After the assessment is completed, a decision is made about the child's safety and the level of intervention required, if any.
  - If there is no threat to the child, there may be no need for further services or intervention.
  - If there is no abuse or neglect but some negative conditions impacting the family, the child may be left in parent/guardian care and voluntary community services may be offered to the family without ongoing Agency involvement.
  - If a child is determined to be in danger, the Agency will attempt to develop an **In-Home Safety Plan** (p. 10) with the family to address the dangerous behavior, situation, and/or circumstance which would allow the child to remain home with conditions in place.
  - If an **In-Home Safety Plan** cannot be achieved, the Agency will develop an Out-of-home Safety Plan and attempt to place the child with relatives, **fictive kin** or as a last resort a foster home. The child may be placed in protective custody immediately or the Agency may get an order from a judge to remove the child from the home.



Fictive kin is a person not related to a child by birth or marriage who has a significant emotional and positive relationship with the child.

WHAT IS THE NEVADA INITIAL ASSESSMENT?

The Nevada Initial Assessment ("NIA") is an objective assessment tool used by the Agency to determine if a child has been subjected to abuse or neglect and to determine if the family needs on-going services to address identified concerns.

- **If the Agency determines that it was more likely true than not that abuse or neglect did occur,** the allegation is called "substantiated."
- **If the Agency determines that it was more likely true than not that abuse or neglect did not occur,** the allegation is called "unsubstantiated."
- **At the conclusion of the NIA, the Agency could:**
  - Close the case;
  - Put into place an **In-Home Safety Plan** and offer your family services through a Case Plan (with or without court involvement) while your child remains in your care; or
  - Remove your child from your care and commence a formal court case with a **Case Plan** for services (p. 22).

WHAT IS AN IN-HOME SAFETY PLAN?

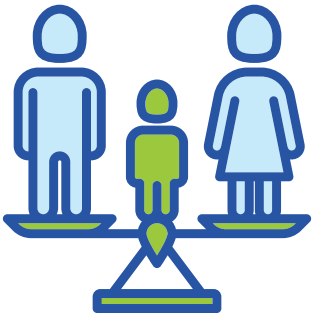
An In-Home Safety Plan is an arrangement developed between you, your family, and the Agency to keep your child safe in your home. In-Home Safety Plans may require immediate changes in the household to make it safe for the child to remain at home. Here's an In-Home Safety Plan example:

- **Situation:** Parents work full-time and children are left alone without daycare.
- **Safety Plan:** Agency works with family to find suitable day care for the children, so they are not left alone while parents are at work.

If an In-Home Safety Plan is developed you must follow its terms. If you fail to follow the In-Home Safety Plan, your child may be removed from your home and an Out-of-Home Safety Plan will be created where your child is placed in protective custody with relatives, close friends (**fictive kin**) or in a licensed foster home.

WHAT ARE INFORMAL SERVICES?

Informal Services are provided by the Agency when a parent/caregiver is cooperative with the Agency and agrees to engage in services without going to court or placing the child in protective custody. Informal Services are also known as Voluntary Services depending in which county you reside. The **Agency worker** will help develop an informal Case Plan and Service Agreement, so you understand what is expected of you. Common examples of informal services may include substance abuse treatment, parenting classes, domestic violence classes, mental health therapy or providing resources to maintain stable housing or income.



SECTION 3

CHILD WELFARE PROCESS AFTER COURT IS INVOLVED & CHILD IS PLACED IN PROTECTIVE CUSTODY

(If Applicable)

Words or phrases highlighted in **bold/blue** are defined in the glossary on page 32.

DEPENDENCY COURT CHECKLIST

If your case goes to court, use this chart to help you keep track of your court dates. Depending upon how your case proceeds, **some items on this checklist might not apply to you**. A description of each court event is found in this handbook on the pages noted.

COURT EVENT	DATES	NOTES
PRELIMINARY PROTECTIVE CUSTODY HEARING (p. 16)		
PLEA OR ADMIT/DENY HEARING (p. 20)		
EVIDENTIARY OR ADJUDICATORY HEARING (If applicable, p. 20)		
DISPOSITION HEARING (If applicable, p. 23)		
SEMI-ANNUAL REVIEW HEARING (If applicable, p. 24)		
ANNUAL PERMANENCY REVIEW HEARING (If applicable, p. 24-25)		
STATUS HEARING OR INTERIM REVIEW (If applicable, p. 25)		
MEDIATION OR INFORMAL SETTLEMENT CONFERENCE (If applicable, p. 25)		
GUARDIANSHIP HEARING (If applicable, p. 26)		
TERMINATION OF PARENTAL RIGHTS HEARING/TRIAL (If applicable, p. 26)		

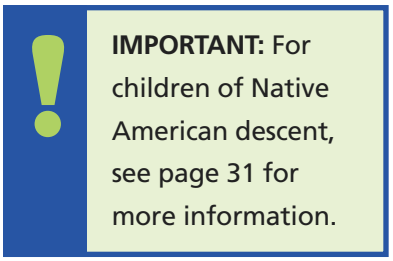
YOUR RIGHTS AS A PARENT

- **If your child is removed from the home, you have a right to a court hearing within 72 hours of removal** (excluding weekends and holidays) **for a judge to determine if removal is appropriate and whether it should continue or if your child should return home.**
  - You will receive written or verbal notice from the Agency of the date, time, and place for the Protective Custody Hearing or Preliminary Protective Hearing.
- **You have the right to be notified of all court hearings. You have the right to be present at all court hearings.**
- **You have the right to hire a lawyer to present evidence and examine witnesses.**
  - If you cannot afford one, the court may appoint a lawyer to represent you.
  - You may also represent yourself in court proceedings.
- **You have the right to an interpreter.**
  - If English is not your preferred language or you are hearing impaired, you can request an interpreter be present for court proceedings.
- **You have the right to confidentiality of your case information.**
  - Agencies, law enforcement agencies, the courts, and other public agencies can only release information as allowed under state and federal laws.
  - **Exception:** nothing you share with the Agency is confidential if a criminal case has been filed or may be filed.
    - For that reason, it is important that you consult your lawyer as soon as possible.
    - Statements you make in court and to the Agency can be used against you in a criminal case unless an immunity agreement has been made.
- **You have the right to see your child if he or she has been placed outside of your care, unless the court determines that visitation is not in your child's best interest.**

YOUR RIGHTS AS A PARENT OF A CHILD OF NATIVE AMERICAN INDIAN DESCENT

Native American families have additional protections under the **Indian Child Welfare Act (ICWA).** Inform your **Agency worker** and your lawyer immediately if you or your child is eligible for membership or already a member of any federally recognized Native American Indian tribe.

The Agency will contact the tribe to confirm eligibility or tribal membership and may assist in completing the enrollment process for a Native American Indian child. The Tribe decides eligibility for Tribal membership.



WHAT HAPPENS IF MY CHILD IS PLACED IN PROTECTIVE CUSTODY?

- An **Agency worker** or police officer can place a child in protective custody if he/she believes immediate action is needed to protect a child from abuse or neglect.
- You will receive verbal or written notice from the Agency listing the date, time, and place for the **Preliminary Protective Custody Hearing** (p. 16).
- Sometimes an Agency will file a **petition** with the court and ask for custody of a child without immediately removing the child from the home (see p. 19, **Petition For Child In Need Of Protection**).

WHERE CAN MY CHILD BE PLACED WHILE IN PROTECTIVE CUSTODY?

A child taken into protective custody may be placed with:

- A suitable relative
- Suitable **fictive kin**
- A licensed foster home
- An emergency shelter

To determine suitability of a relative or fictive kin the Agency considers:

- Condition of the relative or **fictive kin's** home
- Criminal background
- History of abuse or neglect
- Substance use
- Relationship to child
- Ability and willingness to keep children safe
- Cooperation with the Out-of-Home Safety Plan and Agency

IMPORTANT:
Be sure to provide the Agency or the court with information about your relatives or **fictive kin** early in your case so they can be considered for placement. (**See FAMILY INFORMATION SHEET on the next page.**)

Once it is determined your child will be safe living with the relative or **fictive kin**, placement can be made. Relative/**fictive kin** must follow guidelines provided by the **Agency worker** and the court. If guidelines are not followed, your child may be removed from your home and placed with another relative, in a licensed foster home or emergency shelter.

What if relative or fictive kin lives in a different state?

- The Agency in their state decides whether their home is safe by completing an "Interstate Compact for the Placement of Children" (ICPC) home study.
- The ICPC process can take a minimum of 30 days or up to 6 months; your child may be placed in a licensed foster home while the ICPC approval process is happening.

Identify Potential Family (Kin) and/or Fictive Kin Below **Case Name:** _____ **Case#** _____

Relationship	Name/Date of Birth	Address	Phone	Email	Do you or your child have a connection with them?
Sample	*John Smith 2/2/1980*	*123 Some St., City, NV Zip Code*	*775-555-5555*	*1234@email.com*	*We have weekly dinners.*
Maternal Grandparents					
Paternal Grandparents					
Step-Parent or Significant Other					
Additional Siblings Not in Foster Care (Full, Half, Step)					
Maternal Aunt/Uncles					
Paternal Aunt/Uncles					
Maternal/Paternal Cousins					
Other Extended Family Members					
Family Friends / Fictive Kin					

Parent/Guardian Signature _____ **Date Provided** _____

PRELIMINARY PROTECTIVE CUSTODY HEARING

If your child is removed from your home, Nevada law requires a hearing within 72 hours (excluding weekends and holidays).

You are entitled to receive written or verbal notice of the date, time, and place for the *Preliminary Protective Custody Hearing.* In some jurisdictions, this hearing may also be called a *Preliminary Protective Hearing*. You will also receive a copy of the initial report filed by the Agency with the Court.

During the hearing:

- The Court will review the initial report filed by the Agency
- The **Agency worker** explains to the court why your child was placed in protective custody.
- The Agency worker gives the court relevant information learned during the Safety Assessment.
- You are given a chance to talk to the court and ask questions.
- Based on the facts presented, the court decides if your child will remain in protective custody or be released to you.

If the Court decides your child should remain in protective custody, it will issue a 10-day Protective Custody or Preliminary Protective Order.

- If identified problems are taken care of during the 10 days, the Agency may return child to your custody.
- If it is necessary to keep custody of your child for more than 10 days, the Agency must file a legal document called a **Petition for Child in Need of Protection.**
- During this time, the Agency continues to work with you to resolve and/or reduce the identified safety threats.
- Your child will temporarily live with a suitable relative, **fictive kin**, or foster family.
- The Agency may place your child with you at any time when it is safe to do so, unless the court has ordered otherwise.
  - Placement can be done with or without an In-Home Safety Plan depending on the circumstances of your case.
  - Court approval of an In-Home Safety Plan may be required if there are domestic violence issues involving your family.

WHERE CAN I GET A LAWYER?

You may qualify for a court-appointed lawyer based on your income. You may request a lawyer at your hearing if the court has not already appointed one for you. You may also hire a private lawyer or represent yourself. To find a private lawyer, contact the State Bar of Nevada: 800-254-2797 or 800-789-5747.

WHO ELSE IS INVOLVED IN THE COURT PROCEEDINGS?

- **The Judge or Hearing Master**

  This is the person who conducts the court hearings, listens to each side, makes important decisions based on the law and evidence, and ultimately decides if it is safe for your child to return to the home.

- **Your Lawyer**

  Your lawyer represents you and your interests. Your lawyer can help you understand the legal proceedings, answer questions and give you legal advice about your case. He or she can also help you communicate with your **Agency Worker** and advocate for you in court.

- **Your Child's Lawyer**

  The court is required by law to appoint a lawyer to represent your child. Your child's lawyer represents in court the wishes of your child.

- **The Agency Lawyer**

  The Agency lawyer may be a district attorney, deputy attorney general or other legal counsel. The Agency lawyer files court pleadings on behalf of the Agency.

- **Guardian Ad Litem ("GAL") or Court-Appointed Special Advocate ("CASA")**

  A GAL/CASA may be appointed by the court. This is a non-attorney trained volunteer who advocates for your child's best interest in court. He/she talks to your child and other important people in your case, reports child's progress to the court, and makes recommendations on what is in the best interest of your child.

- **ICWA Representative**

  If your child is enrolled in (or eligible for enrollment) in a federally recognized tribe, then a representative of that tribe is entitled to participate in your case. (See page 31 for more information about "Your Rights As A Parent Of A Child Of Native American Indian Descent".)

WHAT IF I DISAGREE WITH MY AGENCY WORKER?

Open discussions with your **Agency worker** will generally resolve disagreements. If not, you may contact your Agency worker's supervisor. You may also raise concerns with your lawyer and the judge or hearing master. It is best if you attempt to resolve problems with your Agency worker, so you don't have to wait for a court hearing. The judge cannot order the Agency to assign a different worker to your case.

COURTROOM BASICS

Your hearing may occur in a courtroom or by audio/video conferencing such as Zoom, GoTo Meeting, Blue Jeans, etc.

> **!** You are expected to follow all courtroom rules whether you are appearing in person or by audio/video conference.

- **COMMUNICATE WITH YOUR LAWYER BEFORE COURT**
  - You should be provided with a copy of a petition, motion or court report a few days before your hearing. Review it and get in touch with your lawyer to discuss any concerns as soon as possible.
  - If you did not get a copy of your paperwork, call to let your lawyer or **Agency worker** know.
- **APPEAR AT YOUR HEARINGS**
  - The court makes important decisions in your case. You will want to be present to participate and hear what happens during your hearing.
  - If you are unable to appear personally, talk to your **Agency worker** or lawyer about appearing by telephone or video conference.
- **ARRIVE ON TIME**
  - Arrive at the courthouse at least 30 minutes before each scheduled hearing to allow time to review any documents provided to you before your hearing.
  - If you are appearing by video, log-in at least 10-15 minutes early to ensure there are no technical problems.

> **!** If you arrive late or do not appear, the judge may make decisions about your case without you there.

- **DRESS APPROPRIATELY**

  Avoid wearing any of the following to your hearing (either in person, or during a video conference):
  - torn jeans
  - short skirts
  - hats
  - halter tops
  - shirts with logos
  - shirts with inappropriate language
  - pajamas
- **DO NOT BRING FOOD OR DRINKS INTO THE COURTROOM OR CHEW GUM**
- **TAKE COURT SERIOUSLY AND SHOW THE COURT RESPECT**
  - Address the judicial officer as "Judge" or "Your Honor."
  - Refrain from cursing, interrupting others, or yelling.
  - If you are unable to control your emotions, ask your lawyer to ask the court for a break.
- **LISTEN CAREFULLY**
  - If you do not understand a question, ask the court or your lawyer to explain it to you.
  - Do not leave without understanding what the court has ordered.
- **REQUEST ASSISTANCE, IF NEEDED**
  - Before your hearing starts, request an interpreter if you or a family member do not speak or understand English, or if you are hearing impaired.

CAN I SEE MY CHILD IF HE/SHE IS PLACED IN PROTECTIVE CUSTODY?

Generally, yes. If your child is placed in protective custody, you may visit your child, unless the court orders otherwise. For you to visit your child, you must arrange for visitation through your assigned **Agency worker** and schedule the time, place, and terms of the visitation. Depending on the circumstances of the case, your visits with your child may be supervised. You should not discuss the allegations of your case with your child or make any promises of when they can come home during the visits.

SHOWING UP TO YOUR VISITS CONSISTENTLY AND ON TIME IS IMPORTANT FOR YOUR CHILD.

HOW MUCH TIME DO I HAVE TO GET MY CHILD BACK?

Federal and state laws require the Agency to find a safe, appropriate, and permanent home for a child that has been removed from the home.

The court must decide whether a child will be returned to the parent or placed for adoption, permanent **guardianship**, or permanent custody with a relative no later than **12 months** after your child was removed from the home.

If your child has been in **foster care** for 14 out of the last 20 months, it is presumed that it would be in your child's best interest for your parental rights to be terminated, but this presumption can be overcome in some cases.

REMEMBER: Because of these time limits, it is very important for you to:

- Start and maintain contact with your **Agency worker** and lawyer;
- Attend and participate in all court hearings;
- Cooperate with your **Agency worker** to develop a **Case Plan** (p. 22);
- Begin participating in the services identified; and
- Demonstrate to the court that substantial progress is being made to make it safe and appropriate to return your child to your home.

WHAT HAPPENS IF MY CHILD IS NOT RETURNED AFTER THE PRELIMINARY PROTECTIVE CUSTODY HEARING?

If your child is not returned to you after the Protective Custody Hearing or Preliminary Protective Hearing, then the Agency has 10 days to file a legal document called a **Petition for Child in Need of Protection.**

PETITION FOR CHILD IN NEED OF PROTECTION

The Petition lists allegations showing why the Agency thinks your child needs protection and your family needs services. You should discuss the allegations in the petition with your lawyer. It may be possible to make changes to the petition during negotiations with the Agency's Lawyer.

Once the Petition has been filed, you will be served with a copy along with notification of the date and time for the Plea Hearing. You need to be present in court for that hearing. If you do not appear, the court may proceed to take evidence and find the allegations in the petition to be true. If you cannot attend the hearing, you should reach out to your **Agency worker** or lawyer immediately. It may be possible for you to appear by telephone or video conference.

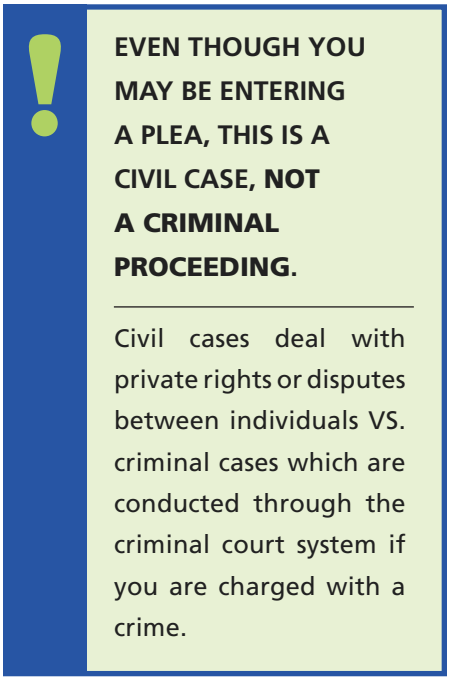
PLEA OR ADMIT/DENY HEARING

At this hearing you will be asked to enter a plea. You can choose between these three plea options:

1. **ADMIT that all or some of the allegations are true**
   If you admit to the allegations in the petition, it means that you are acknowledging the allegations are true.

2. **SUBMIT/PLEAD NO CONTEST that all or some of the allegations are true**
   If you **submit/plead no contest** to a petition it means that you agree that the Agency has enough evidence to prove the allegations in the petition. It does not mean that the Agency's version of events is absolutely correct, only that they have enough evidence to prove the allegations by a *preponderance of the evidence* at trial. When you **submit/plead no contest**, the court will treat the abuse or neglect allegations to be true and then move forward with your case.

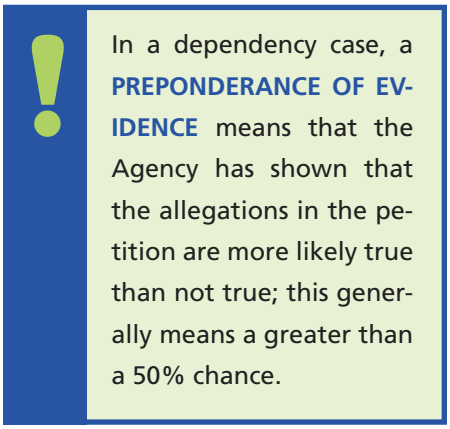
3. **DENY the allegations**
   If you deny the allegations in the petition, then an Evidentiary Hearing (trial) will be scheduled.



EVIDENTIARY OR ADJUDICATORY HEARING

During the Evidentiary or Adjudicatory Hearing, the Agency will present evidence and witnesses regarding the allegations in the petition.

- You have the right to question the Agency's witnesses.
- You may also present your own evidence and witnesses, so make sure to give your lawyer all documents or other information you have that would support your case before the hearing.
- You may also be called as a witness.



The Agency must prove the allegations by a **preponderance of evidence** (see definition in inset box).

- In some jurisdictions, a court finding that the allegations are true is called "substantiated" and not true is called "unsubstantiated".

At the end of the hearing, the judge or hearing master decides if the allegations are true or not true and if you and your child need services.

SECTION 4

CHILD WELFARE PROCESS AFTER COURT DETERMINES AGENCY MUST CONTINUE TO STAY INVOLVED IN MY FAMILY'S LIFE

(If Applicable)

WHAT HAPPENS AFTER I ENTER A PLEA - OR - IF THE COURT DETERMINES THAT ABUSE AND NEGLECT OCCURRED AND MY CHILD IS IN NEED OF PROTECTION?

The agency will develop with you specific criteria called "**Conditions for Return**" for your child to return home on an In-Home Safety Plan. You will also be required to make behavioral, emotional, and cognitive changes to demonstrate your ability to keep your child safe.

A Case Plan will be developed with you and your Agency worker identifying behavioral or other changes that must occur to keep your child safe and end involvement by the Agency and the court with your family. A child may be returned home even if a Case Plan has not been completed. Learn more about Case Plans on page 22.

Words or phrases highlighted in **bold/blue** are defined in the glossary on page 32.

WHAT IS A CASE PLAN?

A Case Plan provides direction on what needs to change to address the identified safety threats in your home. **If you do not agree with any part of the Case Plan, tell your Agency worker right away.** Together you may come up with a solution to your concern. You can choose to:

- Sign the parts of the Case Plan you do agree with, then discuss your concerns regarding the rest of your Case Plan with your lawyer or the court at your next court hearing, or
- Not sign your Case Plan at all.

All families that receive formal and informal services from an Agency must have Case Plans.

- Statewide policy requires that a Case Plan is developed within 45 days of removal of a child or the Agency's decision to provide in-home services.
- Federal regulation requires a Case Plan be developed jointly with the parent.
- If you are not able or willing to participate in the development of the Case Plan, it must be developed without your input which will be noted in the plan.

You should be involved in writing your Case Plan, and older children should be as well. You may also include anyone else who you feel is important to your family's success such as a relative, a church member, a counselor, a family friend, or your lawyer. A Case Plan is designed to keep everyone focused on the services needed to increase your **protective capacity** and change behaviors so that you can keep your child safe.

The Case Plan should include:

- The reason your family is involved with the Agency
- The goals for you and your child
- The strengths and needs of you and your child
- The services and behavior changes you will engage in to support meeting identified goals
- The amount of time each person will have to complete their assigned task

If your child is still in your home: You will be asked to complete a Case Plan to help your child remain safely at home.

If your child has been removed from your home: The Case Plan will state why your child was removed and what needs to happen in order for your child to be safe in your care.

A Case Plan is a "working document" that changes based upon progress and case circumstances during your involvement with the Agency.

- The Agency will review your Case Plan progress with you every 90 days through an assessment called the "**Protective Capacity Progress Assessment**" or PCPA.
- If the court is involved, the court will review your Case Plan and any changes at least every 6 months. The court may order additional things that are not listed in the Case Plan if there is good reason to do so.
- No changes should occur in your Case Plan without your knowledge. Talk to your **Agency worker** if you think your Case Plan should be reviewed. You will be given a copy of your Case Plan.

IT IS IMPORTANT THAT YOU TAKE AN ACTIVE ROLE IN CREATING YOUR CASE PLAN AND MAINTAIN CONTACT WITH YOUR AGENCY WORKER.

- This process includes a series of meetings with your Agency worker over a period of approximately 3 weeks. This is called the "**Protective Capacity Family Assessment**" or PCFA.
- If you do not participate in the development of your Case Plan, the Agency will create one for you based upon known information.

DISPOSITION HEARING

The Disposition Hearing is held within 15 business days after the Adjudicatory/Evidentiary Hearing or following the entry of your plea to the Petition. The Agency writes a court report for the Disposition Hearing detailing:

- condition of your home
- your child's enrollment and progress in school
- mental/physical/social background of your family
- proposed Case Plan
- recommendations for services and activities to ensure your child's safety as well as visitation plan

You will be provided a copy of this report prior to the hearing.

Talk to your **Agency worker** and lawyer about any concerns you have about the report. The court will give you a chance to discuss any issues you feel are important during the hearing.

At the end of the hearing, the court:

- decides where your child will temporarily live
- orders the Case Plan (what you and the Agency must do to reach the Case Plan goals)
- may discuss or adopt a **permanency plan** (p. 27-30)
- schedules future court dates

In some cases, the Agency may request to waive reasonable efforts. The law requires reasonable efforts be made by the Agency to reunify your child with you. However, the Agency can request that "reasonable efforts" be waived if conditions warrant it, which may shorten the timeline in which the Agency files paperwork for **termination of parental rights**.

If your child is placed in emergency shelter or foster care, you may be ordered to pay child support. Talk to your lawyer or the court if you feel that repaying those costs will interfere with your ability to provide an adequate and safe home for your child.

The Agency may place your child back in your home with or without an In-Home Safety Plan whenever it is safe to do so, unless your situation requires court approval for return of your child. This can happen at any time during your case. The Agency may refer to the "**conditions for return**" when talking about what needs to happen in order for your child to be returned to your home. (See **What Is An In-Home Safety Plan** on p. 10)

SEMI-ANNUAL REVIEW HEARING

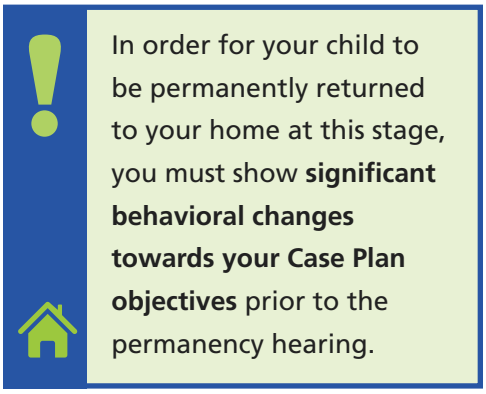
- The court reviews the progress of your case AT LEAST EVERY 6 months after your child is removed from your home. (In some jurisdictions this review occurs every 90 days.)
- Your Agency worker updates the court with the progress you've made on your Case Plan goals and behavior changes (p. 22).
- You should be provided copies of any reports prior to hearings.
- Discuss any concerns with the court report with your **Agency worker** and your lawyer. You may also raise your concerns with the court during the hearing.

At this hearing:

- The court may decide if it is safe to return your child to your home or if it is time to close your case.
- The court will determine whether the Agency has made **reasonable efforts** to return your child to your care.
- If the court does not find that it is safe to return your child home, you and the Agency will be ordered to keep working on your Case Plan.
- The court may order that your child be returned to your home before the Case Plan is finished and order you to continue working on your Case Plan.
- The Agency may recommend changing the **permanency plan** or adding a **concurrent permanency plan** for your child depending on the circumstances and progress on your case and what is in the best interest of your child. If there is a permanency and concurrent permanency plan for your child, the Agency must use **reasonable efforts** towards achieving both permanency plans. (p. 27-30)

ANNUAL PERMANENCY REVIEW HEARING

An Annual Permanency Review Hearing must be held within 12 months from the date of removal from the home. Federal and Nevada laws require the Agency find a safe, appropriate, and permanent home for any child placed into foster care. At this hearing, the court orders a permanent plan for your child. Sometimes, in addition to a **permanency plan**, a concurrent plan may be implemented. This is discussed in more detail below. The permanency plan depends on the facts of each case.



A permanency plan can be:

- **Reunification with the parent or guardian**
- **Adoption (which requires Termination or Relinquishment of Parental Rights)**
- **Guardianship**
- **Another Planned Permanent Living Arrangement (APPLA)**

If the court orders adoption as a permanency plan for your child, the Agency must petition or file a motion with the court for a hearing to terminate your parental rights unless you voluntarily relinquish your parental rights. If this happens in your case, you should talk to your lawyer about your legal options.

For more information about permanency plan options, see Section 5, pages 27-30.

ANNUAL PERMANENCY REVIEW HEARING ... *(Continued)*

If you have not made significant progress on your Case Plan the court may decide that adoption or **guardianship** is in the best interest of your child.

- The court will hold further review hearings and your child may stay **In Care** while the permanency plan (p. 27-30) is accomplished.
- If your child is close to age 18, the court may decide that your child should remain **In Care** with **Independent Living Services** until the age of 18 (p. 30).
- The court must order a permanency plan of adoption/guardianship for a child who has been in **foster care** for 14 of any 20 consecutive months, unless there are compelling reasons why it is not in the best interest of your child to do so.

STATUS OR INTERIM REVIEW HEARINGS

The court may schedule status or interim review hearings every 90 days or as needed in your case. These hearings allow the parties to provide an update to the court on the status or progress about your Case Plan (p. 22) and take any actions that might be necessary to allow your case to progress to finality.

MEDIATION OR INFORMAL SETTLEMENT CONFERENCES

(If applicable)

A "**mediation**" is a voluntary informal meeting with a court-appointed mediator. The purpose is to discuss the possibility of negotiating a resolution in your case. A mediator is present to ensure all parties are heard and remain respectful. The mediator helps facilitate solutions to many different issues in the case without having to fight about it in court. Mediations can occur at the court or at a neutral location elsewhere. Your judge or hearing master will not be at the meeting.

> **!** Both Mediation and Informal Settlement Conferences can occur at any phase of a case and can be helpful in resolving problems prior to going to Court.

- Although a mediation may occur at any stage of your case, it may take place at the beginning stages of your case to negotiate the allegations in the Petition for Child Protection.
- If a motion or petition to terminate parental rights is filed, a mediation may occur to discuss an open adoption agreement.

An "**informal settlement conference**" is also a meeting between all parties and their lawyers to discuss or negotiate the resolution of some or all the issues in your case without your judge or a mediator.

GUARDIANSHIP HEARING

(If applicable)

If the court determines that it is in the best interest of your child to be placed in a formal **guardianship** with a relative or **fictive kin**, the court may order this as a permanency plan. The court may require the proposed guardian to file a petition for guardianship in a separate legal proceeding or within your case and a hearing will be held to determine if guardianship is appropriate in that case.

- If a permanency goal is guardianship, you may either consent to the guardianship or ask for an evidentiary hearing (trial). If you request a hearing, the Agency must show why the guardianship is necessary and in the best interest of your child.
- When a guardianship petition is filed in your case you will be served with a copy of the petition and a notice of when a hearing is set.

TERMINATION OF PARENTAL RIGHTS HEARING/TRIAL (TPR)

(If applicable)

If the court or Agency determines that adoption is in the best interest of your child, the Agency may file a petition or motion to terminate your parental rights. If this occurs, a hearing will be scheduled to determine whether your rights will be terminated.

> **!**
>
> **IMPORTANT:** Talk to your lawyer immediately if a TPR petition or motion has been filed in your case.
>
> **Do not wait until court to talk to your lawyer; reach out to your lawyer as soon as possible.**

Parents whose children are in custody of the Agency still have their parental rights until they either voluntarily relinquish them to the Agency or until the court involuntarily terminates them. When the Agency files paperwork with the court to terminate your rights, an initial hearing will be set. You will be served with the paperwork and notice of the hearing.

At the first hearing, you will be given the opportunity to ask for a trial, mediation and/or indicate whether you wish to relinquish your parental rights.

If you request a trial, the court must hear evidence to decide if parental rights to a child should end.

- At the trial, the Agency must prove by **clear and convincing evidence** that is in the best interest of your child for your rights to be terminated.
- Specific things the court may consider include:
  - your fitness as a parent
  - if the child has been abandoned
  - the level of progress on your Case Plan
  - demonstration of identified behavior changes
  - the risk of harm to the child if returned to your care.

SECTION 5

PERMANENCY OPTIONS

The goal of a child welfare case is a safe, permanent home for your child. There are four possible permanency plan goals:

1. Reunification
2. Adoption
3. Guardianship
4. Another Planned Permanent Living Arrangement (APPLA).

The section provides more information about each of these options.

Words or phrases highlighted in **bold/blue** are defined in the glossary on page 32.

WHAT IS A PERMANENCY PLAN AND A CONCURRENT PLAN?

The permanency plan is the plan affirmed by the Court to allow your child to have a safe and stable home and allow for the closure of your case once the plan is completed. Concurrent planning means an additional plan is identified and worked on at the same time as the initial permanency plan.

Examples

- **PERMANENCY PLAN EXAMPLE:**
  Have your child returned home (also known as *reunification*)
- **CONCURRENT PLAN EXAMPLE:**
  In the event your child cannot return to your care, your child lives permanently in another home (which may be a relative) through adoption, **guardianship**, or pursuant to another planned living arrangement.

> **!** If your child has a **concurrent plan**, you should not let this discourage you from working on your **Case Plan** objectives and continue to work towards your child returning to your care.

The purpose of concurrent planning is to ensure your child does not stay in the child welfare system too long and to give your child a sense of where they are going to permanently live. When a case has a concurrent plan, the Agency is legally required to make **reasonable efforts** towards both the permanency and the concurrent plans.

You should discuss concurrent planning with your Agency worker and your lawyer.

REUNIFICATION

When your child is returned to a parent this is reunification. In most cases, reunification is the first and most desired permanency option that the Agency and court will pursue.

PERMANENCY OPTIONS IF OUTCOME IS THAT CHILD IS NOT RETURNED TO THE HOME

ADOPTION *(If applicable)*

If a permanency plan is adoption, it means a permanent home is being sought with someone other than the parents. The permanent placement for the child is often with relatives, **fictive kin**, or when family has not been identified the child's current foster parent. The Agency will seek an adoptive family for a child when a permanent placement has not been identified.

IMPORTANT:
Be sure to provide the Agency or the court with information about your relatives or **fictive kin** so they can be considered for placement.

See **Family Information Sheet** on page 15.

If Parent agrees to child's adoption

Parents can agree to their child's adoption and have the option to voluntary relinquish their parental rights to the Agency making the child legally free from their parents.

If a parent chooses to relinquish their parental rights, an Open Adoption Agreement may be negotiated with the adoptive family, which may allow the parent to continue to have a relationship with their child through activities such as visits, phone calls, and letters.

When parents do not agree to adoption:

- The Agency files a petition or motion to Terminate Parental Rights (TPR).
- A hearing and possibly trial will be set where the Agency must show why Adoption is in the best interest of the child. The court will also examine your fitness as a parent. Your lawyer can provide you with further information about this.
- If TPR is granted by the court, parents do not have the option to negotiate an Open Adoption Agreement and no longer retain the right to visitation or ongoing contact with the child.

Once the child is legally free either through death of a parent, voluntary relinquishment, or TPR, the Agency is able to consent to a child's adoption. Certain criteria must be met prior to adoption being granted by the court including:

- The child must live with the proposed adoptive parent for at least 6 months.
- Child age 14 and older must consent to being adopted.
- The person adopting the child must be at least 10 years older than the child unless being adopted by an adult sibling.

A child may qualify for an adoption subsidy which may include financial and medical assistance to help meet the needs of the child.

GUARDIANSHIP *(If applicable)*

When guardianships are granted, parents retain their parental rights, but the child lives with the guardian, who is given legal authority to make decisions for the child such as medical/mental health treatment and educational decisions. Parents may still have visitation with their child at the discretion of the guardian, unless there is a court order indicating otherwise.

There are unsubsidized and subsidized guardianships; both types require that certain criteria are met before it can be granted, including:

- If the child lived with the proposed guardian for at least 6 months
- If the child is bonded to the proposed guardian
- A child age 14 and older must agree to the guardianship
- The guardian must pass a background check
- The guardian is willing and able to meet the needs of the child.

Subsidized guardianships (also called KinGAP Guardianships) provide the guardian with a monthly payment not to exceed the amount of a **foster care** payment and medical insurance/Medicaid. There are additional qualifications:

- The child must reside in the home of the proposed guardian for at least 6 months as a licensed foster home
- The Agency must determine that reunification or adoption are not an option for the child
- The proposed guardian must be licensed as a **foster care** provider

Both relatives and **fictive kin** may qualify for KinGAP Guardianships.

- **Families that are interested in this program are strongly encouraged to become licensed foster parents early in the case to avoid delay trying to get licensed later.**

ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (APPLA) *(If applicable)*

If a permanency goal is Another Planned Permanent Living Arrangement, also referred to as APPLA, that means that the child is likely 16 years old or older and is preparing to transition into adulthood.

- When APPLA is ordered parents retain their parental rights but the child lives with foster family or **fictive kin**.

Independent Living Services

The child may be eligible to live independently with support of an independent living worker and financial assistance from the State to pay his/her expenses through **Independent Living Services (IL)**.

- IL Services are available for youth ages 14-18 and youth who have aged out of care, ages 18-21.
- These federally and state funded services can assist a child with education, employment, financial management, housing, and other supports.
- IL services are intended to serve youth who are likely to remain in **foster care** until age 18.
- Some of these services may extend beyond his/her 18th birthday up to age 21.

YOUR RIGHTS AS A PARENT OF A CHILD OF NATIVE AMERICAN INDIAN DESCENT

Inform your **Agency worker** and your lawyer immediately if you or your child is eligible for membership or already a member of any federally recognized Native American Indian tribe.

IMPORTANT: The Agency will contact the tribe to confirm eligibility or tribal membership and may assist in completing the enrollment process for a Native American Indian child. **The Tribe decides eligibility for Tribal membership.**

WHAT IS THE INDIAN CHILD WELFARE ACT?

The Indian Child Welfare Act ("ICWA"), is a federal law passed in 1978 that has certain requirements that apply to state child custody proceedings involving a Native American Indian child who is a member of, or eligible for membership in, a federally recognized tribe. States are required to provide active efforts to families, and the court will be asked to determine whether active efforts have been made. Tribes have the right to participate in the family court process of all the cases in which ICWA applies. This includes participating in court hearings, providing input on appropriate placements, and approving **permanency plans**.

WHAT ARE ACTIVE EFFORTS?

Active efforts are defined as the affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite a Native American Indian child with his or her family. Examples of active efforts may include:

a. Conducting a comprehensive assessment of the circumstances of the Native American Indian child's family, with a focus on safe reunification as the most desirable goal;

b. Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents in obtaining such services;

c. Identifying, notifying, and inviting representatives of the Native American Indian child's Tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues;

d. Conducting or causing to be conducted a diligent search for the Native American Indian child's extended family members, and contacting and consulting with extended family members to provide family structure and support for the child and child's parents;

e. Offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child's Tribe;

f. Taking steps to keep siblings together whenever possible;

g. Supporting regular visits with parents or Native American Indian caregivers in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the child;

h. Identifying community resources including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Native American Indian child's parents, or when appropriate, the child's family, in utilizing and accessing those resources;

i. Monitoring progress and participation in services;

j. Considering alternative ways to address the needs of the Native American Indian child's parents, and where appropriate, the family, if the optimum services do not exist or are not available; and

k. Providing post-reunification services and monitoring.

GLOSSARY OF TERMS

AGENCY WORKER OR CASE WORKER: A person employed by the Agency who handles the cases of individuals and families and provide them with advocacy, information and solutions. You may have more than one Agency worker during your case. In some counties, one agency worker will conduct the initial investigation and a completely different agency worker will work with the family during the case.

CLEAR AND CONVINCING EVIDENCE: In a proceeding to terminate parental rights, clear and convincing evidence means the evidence is substantially more likely to be true than untrue.

CONDITIONS FOR RETURN: These are specific behavior and circumstances that must exist within a child's home for a child to return to the home. If the **conditions for return** are met, then the Agency or court may consider the physical return of the child to parent's custody with or without a safety plan.

FICTIVE KIN: A person not related to a child by birth or marriage who has a significant emotional and positive relationship with the child.

FOSTER CARE: This is any out-of-home placement of a child. It may be either in a licensed family foster home, group foster home, or other similar location which has the appropriate qualifications and facilities necessary to provide for the needs of a child.

GUARDIANSHIP: This is a permanency outcome that allows a non-parent (such as a relative or **fictive kin**) to make decisions regarding the child's health, education, and welfare while keeping parental rights intact.

IMPENDING DANGER: A state of danger in which family conditions, behaviors, attitudes, motives, emotions, and/or situations pose a serious threat of harm to a child. While the danger may not be currently active, it can be anticipated to cause harm to a child at any time.

IN CARE: This means the child is now in the custody of the Agency, which is a government agency operated by the county or state. The Agency has physical and temporary **legal custody** of the child until further ordered by the court.

LEGAL CUSTODY: This means a certain person or agency is responsible for the safety and well-being of the child and has the authority to make decisions on their behalf, such as medical decisions.

PERMANENCY PLAN / CONCURRENT PERMANENCY PLAN: See a full description of the different Permanency Plan options, as well details on Concurrent Plans on pages 27-30.

PHYSICAL CUSTODY: Where the child lives and who cares for the child.

PRESENT DANGER: A present danger exists if an immediate, significant, and clearly observable family condition that has recently occurred or is actively or in the process of occurring at the point of contact with a family and will likely result in a serious harm to a child; therefore, requiring a prompt response by the Agency.

PROTECTIVE CAPACITY: A person's "Protective Capacity" refers to behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability to care for and keep a child safe.

REASONABLE EFFORTS: These are things the Agency is legally required to do in order to:

1. Keep the child in the home and prevent removal;
2. Return the child home; and/or
3. Finalize a permanent placement for child.

An Agency may ask the court to waive their legal obligation to make reasonable efforts to return the child home in certain circumstances.

If there is a permanency and concurrent plan for the child, the Agency must make reasonable efforts towards both plans. For example, if the permanency plan is reunification and the concurrent plan is adoption, the Agency must continue to provide you with services while filing paperwork to terminate parental rights.

TERMINATION OF PARENTAL RIGHTS (TPR): A court order that permanently ends the legal parent-child relationship and frees a child to be adopted. Parental rights can be terminated voluntarily by parent (also known as relinquishment), or involuntarily by the court following a trial.

CHILD WELFARE AGENCY CONTACT INFORMATION

The best person to contact with questions about the safety assessment process is your Agency worker. If you do not know who your Agency worker is, or if you have problems reaching the worker, please contact the main office for child welfare in your area, as follows:

NORTHERN REGION

Washoe County Human Services Agency
Children's Services Division
350 S. Center St.
Reno, NV 89501
775-785-8600

SOUTHERN REGION

Clark County Department of Family Services

Claude I. Howard Children's Center
701 N. Pecos Road Bldg. K
Las Vegas, NV 89101
702-455-5444

Central Neighborhood Family Services Center
121 S. Martin Luther King Blvd.
Las Vegas, NV 89106
702-455-7200

South Neighborhood Family Services Center
1291 Galleria Drive
Henderson, NV 89014
702-455-7900

North Neighborhood Family Services Center
2900 N. Torrey Pines Drive Bldg. B
Las Vegas, NV 89108
702-455-0740

East Neighborhood Family Services Center
1850 E. Flamingo Road, Ste 235
Las Vegas, NV 89121
702-455-8806

RURAL REGION

Carson City District Office
2533 N. Carson St, Suite 100
Carson City, NV 89706
775-684-1930

Elko District Office
1010 Ruby Vista Drive, Ste 101
Elko, NV 89801
775-753-1300

Ely Field Office
740 Park Avenue
Ely, NV 89301
775-289-1640

Fallon District Office
1735 Kaiser Street
Fallon, NV 89406
775-423-8566 / 775-867-6000

Fernley Field Office
55 North Center Street #3
Fernley, NV 89408
775-575-1844

Pahrump District Office
1780 E. Basin Ave., Ste 2
Pahrump, NV 89060
775-727-8497

Tonopah Field Office
P.O. Box 311
Tonopah, NV 89049
775-482-2033

Winnemucca Field Office
475 W. Haskell Street, Box 6
Winnemucca, NV 89445
775-623-6555

Yerington Field Office
205 West Goldfield
Yerington, NV 89447
775-463-3151 / 775-463-3152