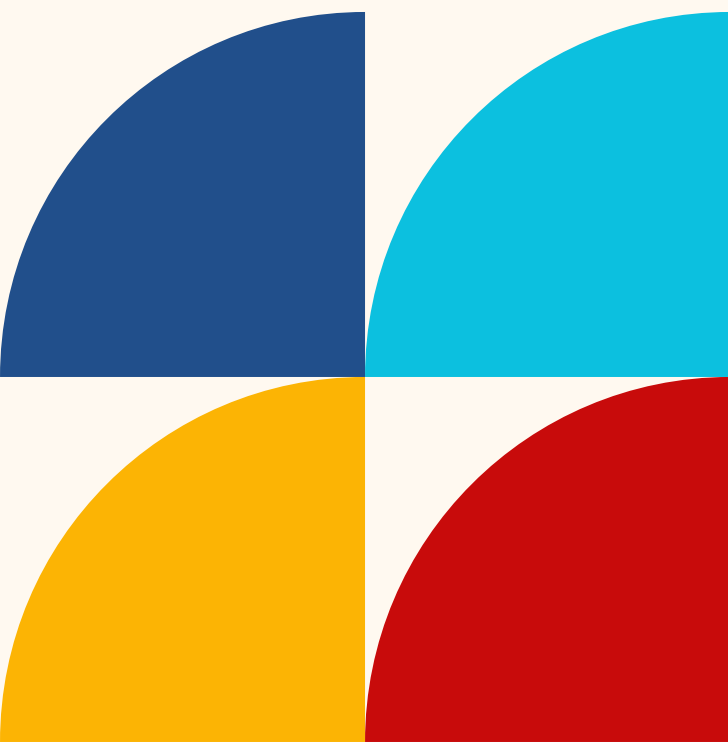


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**A PARENT'S GUIDE:
TO ABUSE, NEGLECT AND
EXPLOITATION CASES IN
YOUTH COURT**

YOU HAVE RIGHTS. YOU HAVE THE RIGHT:

- To request that a lawyer be appointed to represent the child's stated interest.
- To be represented by a lawyer. You can ask for time to hire a lawyer of your choice. Or, if you cannot afford a lawyer, you should ask the court to appoint a lawyer to represent you. You may contact Office of State Public Defender: website: www.ospd.ms.gov/family-defender; phone: 601-576-4229; or email: familydefense@ospd.ms.gov.
- To advance notice of the time and place for any court hearings and to be present at all hearings.
- To understand what is happening in court. You always have the right to ask the youth court judge to explain the process to you and to ask questions about the process.
- To access to an interpreter if you are a limited English proficient individual.
- To know what social services you have access to. MDCPS is required to make reasonable efforts to provide you with services that would prevent the need for taking your child(ren) into custody, unless it is an emergency removal to keep the child(ren) safe. If MDCPS custody is ordered by the Youth Court, MDCPS is required to make reasonable efforts to provide you with individualized services that would help you regain custody of your child(ren), unless this requirement is bypassed by court order.
- To request that your child be placed with an appropriate family member if removal is necessary, unless prohibited by the court.
- To collaborate with MDCPS to develop a service plan to address the specific needs of your family and must not include required services that are not related to your family's needs.
- To ask MDCPS and the Youth Court for reasonable accommodations to allow you to meet the requirements in your family service plan if you have any disabilities.
- To be respected by everyone involved in your case.
- To special considerations under the Indian Child Welfare Act (ICWA) if your child(ren) is/are American Indian.

YOU HAVE RESPONSIBILITIES. YOU HAVE THE RESPONSIBILITY:

- Work toward completing your tasks and goals in your family service plan.
- Respect everyone: MDCPS caseworkers, the GAL, Court staff and lawyers.
- Communicate regularly with your lawyer.
- Maintain communication with MDCPS and Service Providers.
- Attend all court hearings, Family Team Meetings and visitations with your child(ren).
- Work hard to collaborate with MDCPS and your attorney to address the individualized needs of your family.
- Tell the court if you cannot afford to pay for any of the services that MDCPS requires as a part of your family service plan and suggest services that you may need (such as housing assistance, drug/anger management/parenting classes).
- Notify your attorney and/or the court if a service on your plan is not accessible, available or affordable.

STEP 1: THE SHELTER HEARING

- The Youth Court must schedule a Shelter Hearing within 48 hours after your child is removed from your custody (not including holidays or weekends). Attend this hearing! If you can afford to hire a lawyer, you should hire one. If you cannot afford a lawyer, you should let the court know as soon as possible or contact OSPD at <https://www.ospd.ms.gov/family-defender>
- MDCPS employees will testify about the results of their initial investigation and why they think your child has been abused or neglected. They will also testify as to why they believe that your child would not be safe remaining in your home at this time. The Court will consider this to be sure that the child is safe and protected.
- You are allowed to testify at this hearing. You must not be disrespectful toward anyone.
- You or your lawyer will be able to question the MDCPS employee witnesses and any other witnesses who testify. You can also testify or call witnesses. Your interests will be better protected if you have a lawyer to do this for you. If you represent yourself, the MS Access to Justice Commission has resources to help you: www.msatjc.org/preparing-for-court and/or www.msatjc.org/youth-court.
- Based on the information given to the Court at the Shelter Hearing, the Judge will:
 1. dismiss the case and order that your child be returned to you; OR
 2. return your child to you but order MDCPS to continue to provide services; OR
 3. determine that your child should remain in the custody of MDCPS or other entity and refer the case to the Youth Court prosecutor to file a formal Petition.
- Before the next hearing, you should work towards creating a safe environment for your child.

STEP 2: THE ADJUDICATION HEARING (THE MOST IMPORTANT HEARING THAT YOU WILL ATTEND)

- Parents who have custody of their children are entitled to a lawyer even if you cannot afford one. Contact OSPD at <https://www.ospd.ms.gov/family-defender> for a lawyer or ask the judge to appoint one.
- The Adjudication Hearing may be held before the same judge usually within 30 days after the Shelter Hearing (it could take longer). The judge will decide whether there is enough evidence to conclude that your child has been abused or neglected.
- Without the recommendation of a lawyer representing your interests, you should not agree to the entry of an Order finding that your child has been abused or neglected. You should request that a formal hearing be held on the record. Prepare for your hearing by visiting the tips at www.msatjc.org/preparing-for-court.
- If the court finds that your child has been abused or neglected, the court will hold a Disposition Hearing. This can take place at the same time as the Adjudication Hearing or at a later date.

STEP 3: THE DISPOSITION HEARING

- At the Disposition hearing, the judge will decide where to place your child while you work on your tasks and goals. Placement could be with you, a relative, close family friend (fictive kin) or in a licensed foster home. The judge will discuss your visitation rights, the responsibilities that you will have and the services that MDCPS must provide to you. Usually, the plan is to reunite you with your children. If that is not possible, the Court may have a backup plan.

STEP 4: PERMANENCY REVIEW HEARING

- As long as the Youth Court case is open, regular review hearings are required to be sure that your child is doing well and to review your progress on your tasks and goals. The Youth Court can begin a trial home placement if you have made enough progress. If you still have some work to do, the Judge may order that the child be placed with someone else through a legal guardianship or durable legal custody. If it has been more than 6 months, the Judge may change the plan for your parental rights be terminated.

For more information about preparing for Youth Court hearings, go to www.msatjc.org/youth-court.

This resource is provided by the Mississippi Access to Justice Commission and Office of State Public Defender.