



*Foster Parent Court
Participation*

Making a Difference
for Children



Two Possibilities

- ◆ Caregiver Right to Be Heard
- ◆ Prospective Adoptive Parent Status



Right to Be Heard

- ◆ Safe and Timely Placement of Foster Children Act of 2006
42 U.S.C. §675 (5)(G) (Federal)
- ◆ “notice and right to be heard”
- ◆ At “any proceeding”
- ◆ Affects federal funding



Role as Parties

- ◆ May attend hearing or submit information in writing
- ◆ Must be noticed about the hearing
- ◆ Entitled to have counsel
- ◆ Entitled to participate in the hearing



Helpful Information

- ◆ Placement
- ◆ Medical/Dental
- ◆ Educational
- ◆ Behavioral
- ◆ Special Interests/Activities



Helpful Information

- ◆ Visitation
- ◆ Professional Contacts
- ◆ Services
- ◆ Ability to Provide Permanency
 - ◆ Photo



Intervention in Proceeding

- ◆ Seek to have the court recognize full party status
- ◆ Right to intervene may change before and after termination of parental rights



What's the difference?

- ◆ Right to testify
- ◆ Right to discovery (may include SW's report)
- ◆ Can file motions



What's the difference?

- ◆ After termination there may not be anyone representing the foster parent's interest in the proceeding



Relative Placements

- ◆ Relatives are preferred for voluntary diversion
- ◆ Relatives are preferred for emergency foster placements
- ◆ The DHS is required to seek out relatives during the first 6 months



Advantages of Relative Placement

- ◆ May know the child
- ◆ Stability
- ◆ Willing to allow access to the parents



Studies Regarding Relative Placements

- ◆ There are no definitive studies showing that children fare better in relative placements
- ◆ Some studies show that children do not do as well in relative placements



Studies Regarding Adoption

- ◆ There are no definitive studies to show that children do better in relative adoptions vs. non-relative adoptions



When Is a Child Adoptable?

- ◆ Upon termination of parental rights if the parents do not appeal
- ◆ Upon exhaustion of the appeal process if they do appeal



Standards Regarding Placement for Adoption

- ◆ Once parental rights have been terminated, the **ONLY** standard is what is in the best interests of the child



What is Required to Adopt?

- ◆ Adoptive home study
- ◆ Consent of the DHS



Open v. Closed Adoptions

- ◆ Upon adoption there is no legal obligation for the adoptive parents to permit any contact with the former family
- ◆ There is no such thing as a binding commitment to allow such contact



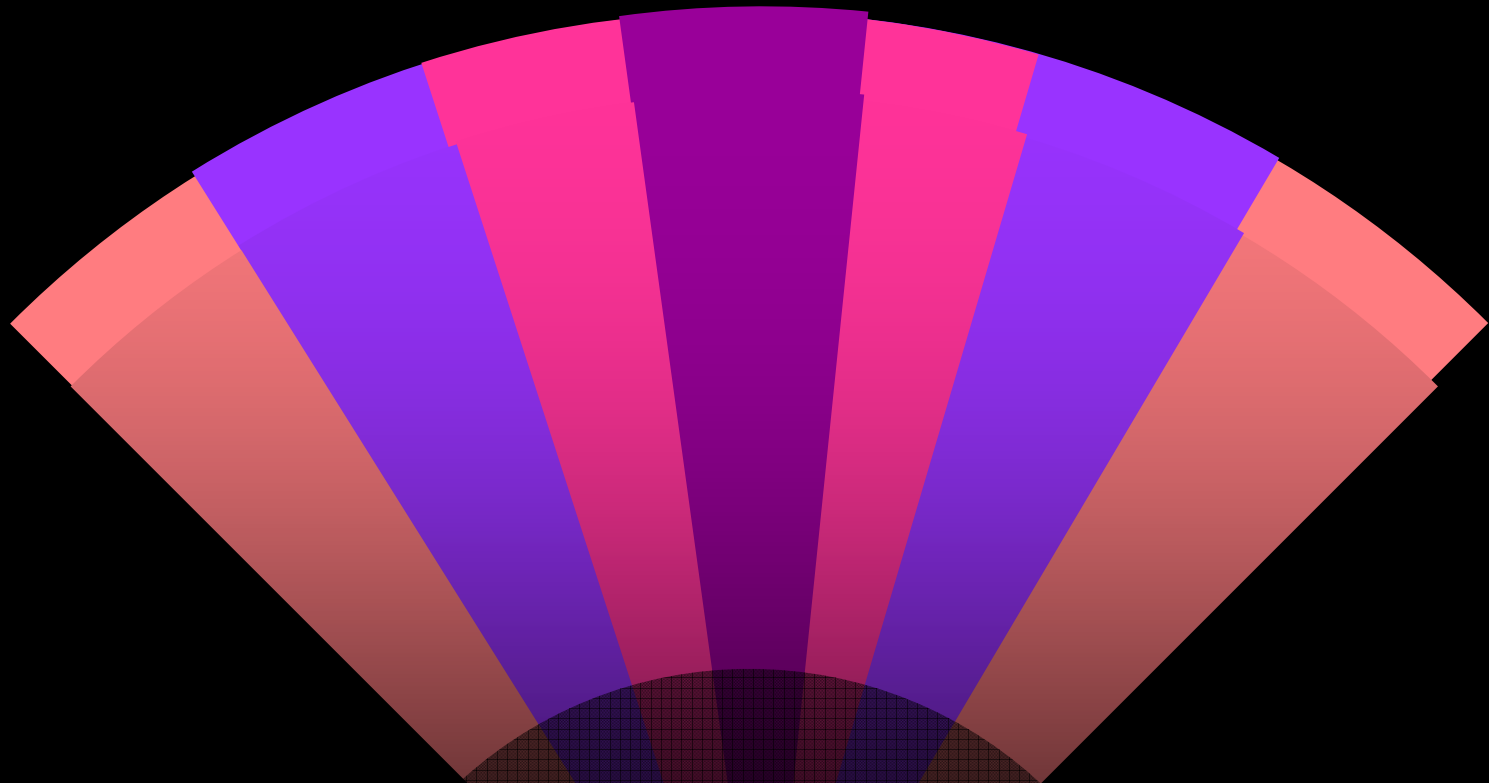
Role of the GAL

- ◆ Guardian Ad Litem is not the child's attorney
- ◆ Eyes and ears of the court with responsibility to report and make recommendations in the child's best interests.



Relations with GAL

- ◆ Keep GAL advised of the status of the child
- ◆ Is required to make face-to-face contact at least once every three months



Effective Court Presentations



What Hearing Is It?

- ◆ Six-Month Review
- ◆ Permanency Hearing
- ◆ Post-Permanency Hearings



Only Facts

◆ NOT OPINIONS



Preparing for Court

- ◆ Review documents
- ◆ Talk to others who have been to court
- ◆ Know your hearing type and the issues



Preparing for Court

- ◆ Try to get problems resolved elsewhere
- ◆ Realize the limits of your knowledge



Preparing for Court

- ◆ Be clear
- ◆ Be brief
- ◆ Act professionally
- ◆ Think before you speak



Presenting in Court

- ◆ Address the judge as “Your Honor”
- ◆ State your name and relationship to the child



Presenting in Court

- ◆ Ask the judge to speak
- ◆ Address all comments to the court
- ◆ Speak clearly and slowly



Difficult Situations for Foster Parents

- ◆ Is it worth raising?
- ◆ Balancing the risks and benefits
- ◆ Be diplomatic, but get the point across



Afterwards

- ◆ Remember confidentiality
- ◆ No ex parte contacts with the court
- ◆ Make sure to follow all court orders



Important New 2009 Legislation

- ◆ Advocates are trying to increase the foster board amount paid to foster parents
- ◆ SB186 ~ Passage uncertain
- ◆ Sign up for legislative update e-mails at It Takes An `Ohana's website:

www.ittakesanohana.org