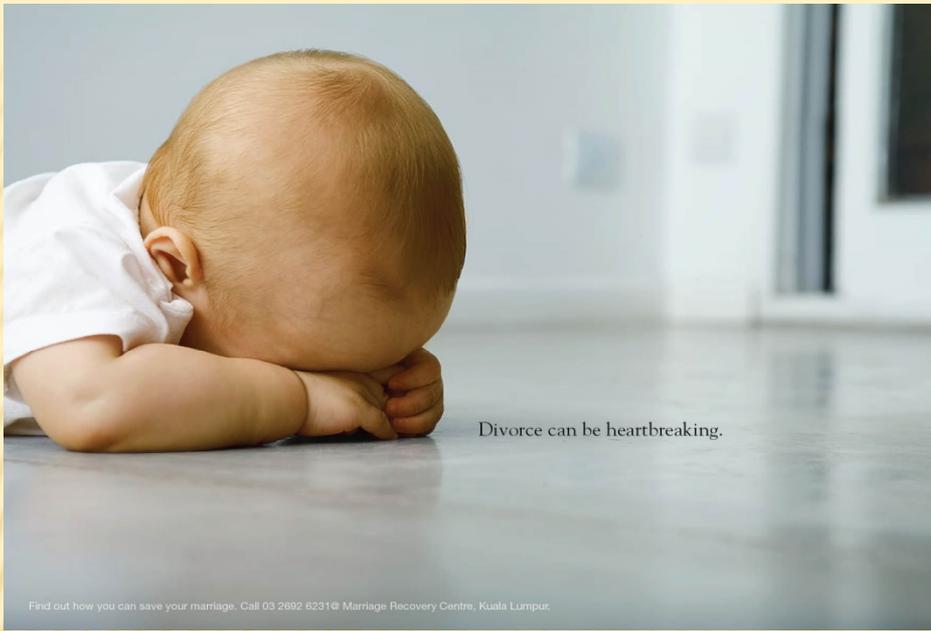


# CLERK TRAINING FALL 2012





Why all the work?

**IDAHO CHILD PROTECTION ACT**



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**VERY FEW  
CASES  
BIG IMPACT ON  
SOCIETY**

## 2010 END STATS

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× CP CASES	882
× CP PENDING	1088
× ADOPTIONS	495
× GUARDIANSHIP+	799
× TERMINATION	187





“It shouldn't hurt to be a child.”

# CHILDREN PROTECTED FROM

× ABUSE

× NEGLECT

× ABANDONEMENT

× UNSTABLE HOMES

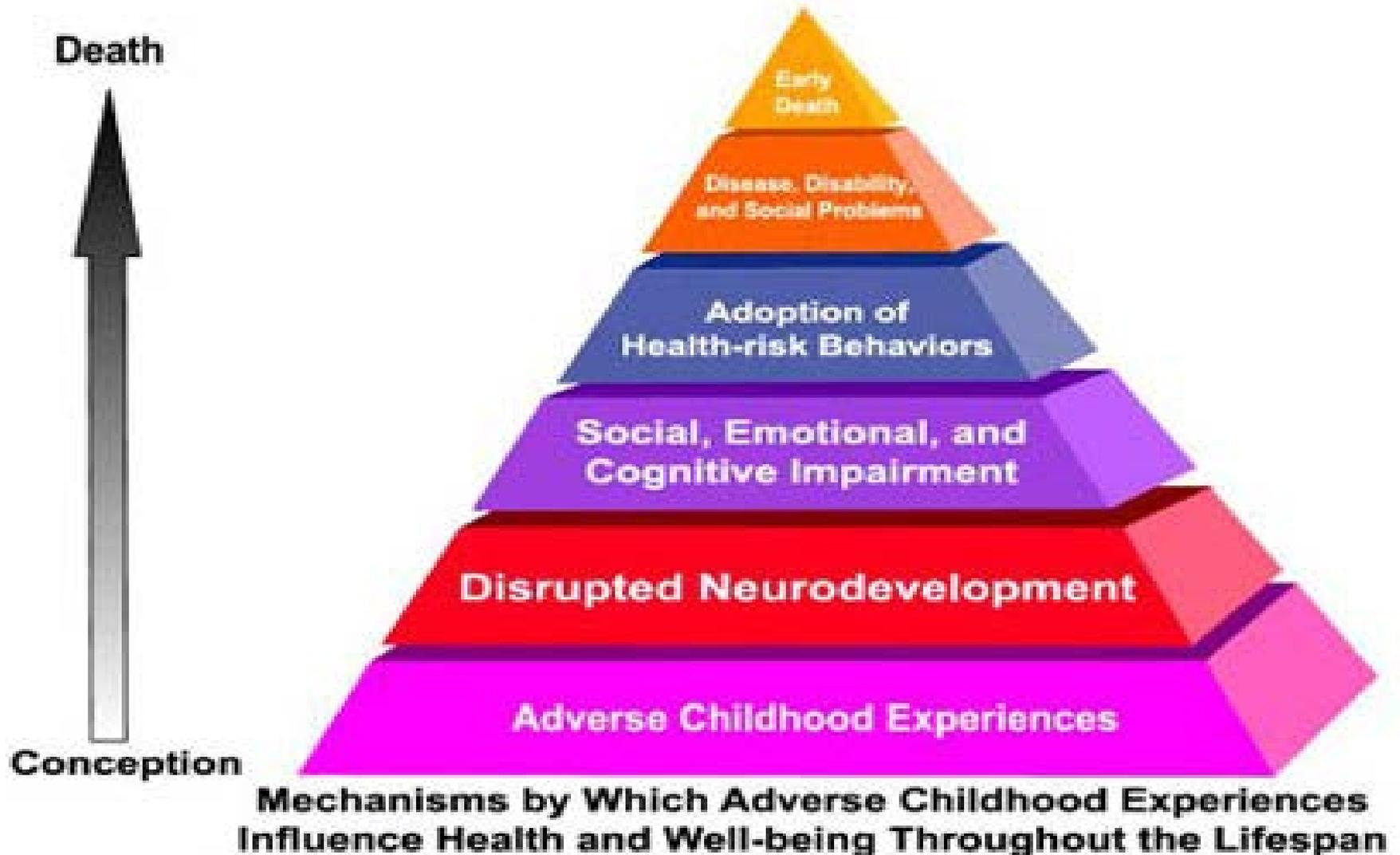


**CHILD  
ABUSE**

# WHAT DOES IT DO TO KIDS

- ✘ POOR EDUCATIONAL OUTCOMES
- ✘ CRIMINAL BEHAVIOR GOES UP
- ✘ MENTAL HEALTH ISSUES
- ✘ PHYSICAL HEALTH ISSUES
- ✘ 20 YEARS SHORTER LIFE
- ✘ SUBSTANCE ABUSE
- ✘ LOTS OF FUTURE COURT CASES

# THE ADVERSE CHILDHOOD EXPERIENCES STUDY



# HOW A CASE GETS STARTED

- ✗ REPORT TO STATE
  - + MANDATORY REPORTING LAW
- ✗ WHO REPORTS
  - + POLICE
  - + SCHOOLS
  - + FAMILY
  - + NEIGHBORS
  - + COURTS (IJR 16)

# CRISIS HAPPENS



**MOTHER ARRESTED**

# CHILDREN REMOVED



# SUBSTANCE ABUSE DURING PREGNANCY

- ✘ ALCOHOL
- ✘ TOBACCO
- ✘ MARIJUANA
- ✘ PAIN KILLERS
- ✘ METH

# EARLY ABUSE







STEPHANIE KLEIN-DAVIS | The Roanoke Times

Mellisa Williamson, 35, a Bullitt Avenue resident, worries about the effect on her unborn child from the sound of jackhammers.

# SUBSTANCE ABUSE AND PARENTING





# PHYSICAL ABUSE









Bruises fade

But the pain

Lasts forever...



# NEGLECT









# TEST: CAN YOU SPOT THE CHILD?



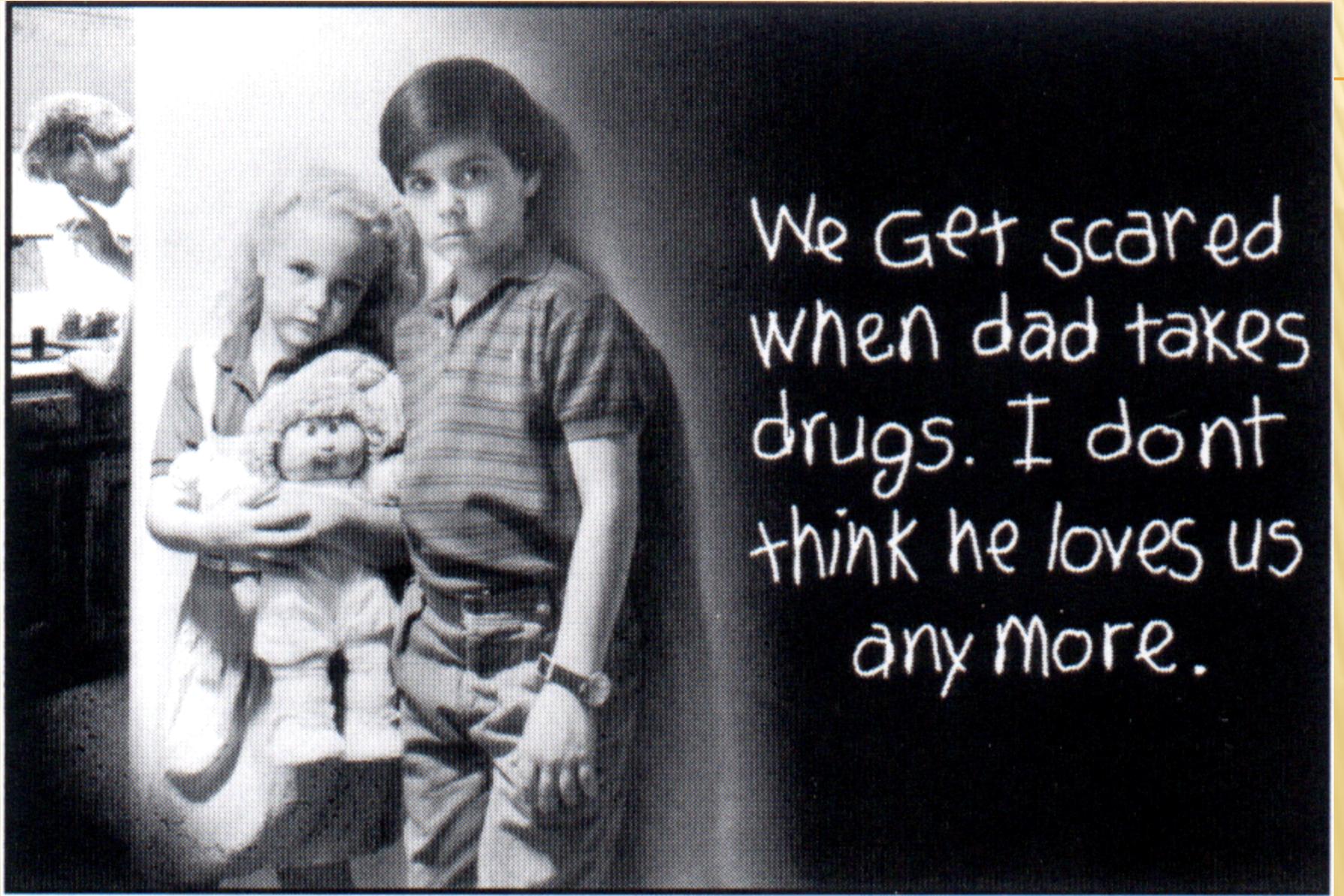
# MENTAL ABUSE



# MISSING FATHERS







We Get scared  
when dad takes  
drugs. I dont  
think he loves us  
any more.

# CHILD SUPPORT?



# CHILD SUPPORT HEARING

IN THE (STATE) \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY \_\_\_\_\_ ACTION/LAW \_\_\_\_\_  
Plaintiff/Petitioner \_\_\_\_\_  
vs  
Defendant/Respondent \_\_\_\_\_

QUALIFIED ORDER

\_\_\_\_\_ day of \_\_\_\_\_

dated \_\_\_\_\_

# DOMESTIC VIOLENCE

DOMESTIC  
VIOLENCE



**IDAHO  
CHILD  
PROTECTION  
MANUAL**

*A practical guide  
for judges and attorneys*

**Third Edition**

The Supreme Court of the State of  
Idaho Administrative Office of the  
Court 2011



## STATE OF IDAHO JUDICIAL BRANCH

# Child Protection

Laws

Judges

Attorneys

Public

Resources by Topic

Child Protection Committee

## Resources by Topic

### HEALTH & DEVELOPMENT

- [Building Bridges for Babies in Foster Care: The Babies Can't Wait Initiative](#)
- [Child Abuse Raises Risk of Illness in Adulthood](#)
- [Children's Exposure to Violence: A Comprehensive National Survey](#)
- [Commercial Sexual Exploitation of Children: What do we know and what do we do about it?](#)

### OLDER YOUTH IN CARE

- [Chartering a Better Future for Transitioning Foster Youth](#)
- [Improving Outcomes for Older Youth](#)
- [Providing Effective Financial Aid to Students from Foster Care](#)

### EDUCATION

- [Chafee Educational and Training Voucher](#)
- [Courtroom Advocacy for the Education Needs of Children](#)
- [Department of Education\\*](#)
- [Educational Outcomes Fact Sheet](#)

## Benchcards

>[Complete Set](#)<

- [Aggravated Circumstances Determination](#)
- [Adjudicatory Hearing](#)
- [Adoption - CPA Related](#)
- [Advisement of Rights](#)
- [Case Plan Hearing](#)
- [Indian Child Welfare Act \(ICWA\)](#)
- [Interstate Compact on the Placement of Children \(ICPC\)](#)
- [Older Youth in Care](#)
- [Permanency Hearing - No Aggravated Circumstances](#)
- [Permanency Hearing - Aggravated Circumstances](#)
- [Psychotropic Medications for Children in Care](#)
- [Redisposition Hearing](#)
- [Review Hearings](#)
- [Rule-16 Expansion for CP Judges](#)
- [Rule-16 Expansion for Juvenile Judges](#)

# ADVISEMENT OF RIGHTS

## *Bench Card*

A Child Protective Act petition concerning child(ren) in your custody or control has been filed with the court, and has been scheduled for a shelter care hearing. The purpose of the shelter care hearing is to determine whether the child(ren) will be placed in or remain in shelter care pending the adjudicatory hearing.<sup>1</sup>

### **RIGHTS OF THE CUSTODIAL PARTY**

You have the following rights:

**Right to Counsel.** You have the right to be represented by an attorney. If you are financially unable to hire an attorney, you have the right to be represented by a court-appointed attorney.<sup>2</sup>

**Knowledge of the Allegations.** The allegations claiming to bring the child(ren) within the jurisdiction of the Child Protective Act are found in the petition. You are entitled to a copy of the petition.<sup>3</sup>

**Evidentiary Rights.** At the shelter care hearing, you have the right to present evidence and cross-examine witnesses regarding whether the child(ren) should return home with or without conditions, or whether the child(ren) should be placed in protective care.<sup>4</sup>

### **POSSIBLE CONSEQUENCES OF PROTECTIVE PROCEEDINGS**

The court has four options in child protection proceedings:

**Dismissing the Case.** The court may dismiss the petition and close the case at any time it finds it is appropriate to do so.<sup>5</sup>

**Protective Supervision.** The court may order that the child(ren) be placed under the protective supervision of the Department of Health Welfare.<sup>6</sup> “Protective Supervision” means a legal status created by court order whereby the child remains in his or her home under the supervision of the Department of Health and Welfare.<sup>7</sup>

**Legal Custody.** The court may order that the legal custody of the child(ren) be placed with the Department of Health and Welfare.<sup>8</sup> “Legal Custody” means a relationship created by court order which vests in the custodian the right to have physical custody and control of the child; to determine where and with whom the child shall live; and to make legal decisions on the child’s behalf.<sup>9</sup>

When the legal custody of a child is placed with the Department of Health and Welfare, it often results in the child being placed in foster care or other out-of-home care.

# TYPES OF HEARINGS

---

- ✘ Shelter Care
- ✘ Adjudicatory
- ✘ Planning or Disposition
- ✘ Re-Disposition
- ✘ Review
- ✘ Permanency
- ✘ Permanency Review

# WHO CAN OR SHOULD BE IN COURT?

---

- ✘ Parents
- ✘ Guardians
- ✘ Guardian ad litem
- ✘ Foster parents
- ✘ Kids
- ✘ Lawyers (Right)
- ✘ Health & Welfare
- ✘ Relatives
- ✘ Schools
- ✘ Probation Officers
- ✘ Supervisors

**KID  
FRIENDLY  
COURTS?**

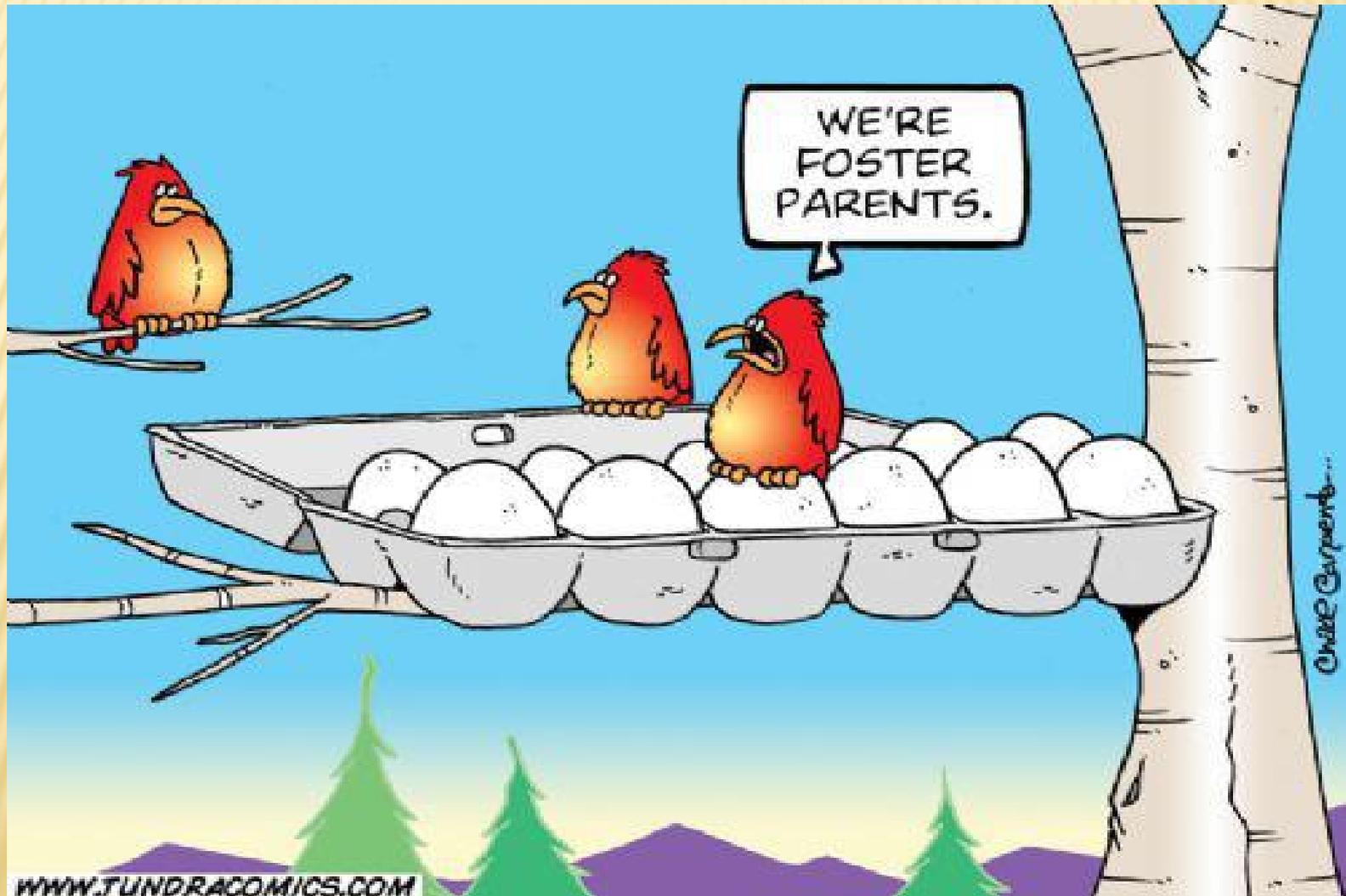








# FOSTER PARENTS IN COURT



# CAN YOU SPOT THE FOSTER CHILD?



# IJR 16 COLLABORATION OR?

In a Juvenile Justice case the court can order:

1. Health and Welfare to investigate (collaboration) or
2. Expand directly to a Child Protection case (cloberation)

## EXAMPLE OF USE OF IJR 16

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- ✘ A runaway is charged with stealing food and beer and in false info to officer about name.
- ✘ She is placed in Detention.
- ✘ At the detention hearing she claims she ran because she was raped by mothers' live in lover.

# PLANNING – DISPOSITION HEARING

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- ✘ Disposition (Who has custody and where the child will live.)
- ✘ Planning (How are we going to fix this mess.)
  - + Reunification
  - + Alternate Permanency Plan (What do we do to get the kid a permanent home when the parents are not longer an option.)

# MAGIC LANGUAGE IV-E FUNDING

- ✘ Required for federal funds to the state
- ✘ Applies to each child
- ✘ First order requirements (Best interest and contrary to welfare)
- ✘ Effort requirements (Reasonable efforts to avoid removal or on planning for the future)

## 2 WAYS TO WIN WITH EFFORTS

---

- ✘ Reunite the children with a healthy, safe and stable family or parent.
- ✘ The children are adopted into a healthy, safe and stable family.
  - + May include other options such as Guardianship or APPLA.
    - + (Another Planned Permanent Living Arrangement)

Mom and Dad,  
I LOVE YOU.



GET SOME HELP!  
PLEASE!!



**LEARN*ing* Parents**

**LEARN*ing* Kids**

# IJR 50 TRANSFER OF VENUE (LIST)

---

- ✘ Jurisdiction found
- ✘ Best interest of child
- ✘ No objections
- ✘ H&W able to serve
- ✘ Focus Parents lives in new county
- ✘ Judge to Judge consent
- ✘ All hearings current

# AGING OUT

---

- ✘ Not good for kids but happens
- ✘ Jurisdiction until 18 unless judge dismisses
- ✘ Dismissal order at 18
- ✘ Independent living programs

# RE-DISPOSITION HEARING

- ✘ Court already has jurisdiction
- ✘ Child(ren) in home under protective supervision
- ✘ New crisis or not safe for kids in home
- ✘ H&W or Police remove the children or order
- ✘ Re-disposition hearing held like a shelter care hearing would be held.
  - + Was removal needed?
  - + What do we do now in the plan?
  - + Set new planning hearing – order report

# INDIAN CHILD WELFARE ACT (FEDERAL LAW)

- ✘ Is child(ren) enrolled in a tribe?
- ✘ Is child(ren) enrollable in a tribe?
- ✘ The tribe decides
- ✘ Special notice requirements
- ✘ Special finding requirements
- ✘ Tribe may enter as a party
- ✘ Tribe may remove case to Tribal Court

# IDAHO SAFE HAVEN ACT I.C. TITLE 39

A safe haven is authorized by law to accept a baby less than 30 days of age, directly from a parent, without identifying the parent. The parent is not required to provide any information to the safe haven, but may volunteer medical or other information. The parent remains anonymous and will not be prosecuted for child neglect or abandonment.

# TREATED AS AN ABANDONED CHILD

- ✘ Shelter care hearing
- ✘ Adjudicatory hearing
  - + Missing children records checked
- ✘ Permanency Planning
- ✘ Termination and Adoption

# AGGRAVATED CIRCUMSTANCES

...including, but not limited to: abandonment; torture; chronic abuse; sexual abuse; committed murder; committed voluntary manslaughter of another child; aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; committed a battery or an injury to a child that results in serious or great bodily injury to a child; or the parental rights of the parent to a sibling of the child have been terminated involuntarily

# SPECIAL ISSUES WITH A. C.

- ✘ Only one parent committed aggravated circumstances
- ✘ Older child will not agree with adoption or not adoptable
- ✘ Prior termination issues
- ✘ Other siblings

# IF AGGRAVATED CIRCUMSTANCES FOUND

- ✘ No reasonable efforts required for reunification
- ✘ Planning hearing becomes Permanency Planning hearing
- ✘ Termination petition filed



**Children are  
the Future...  
Help Brighten  
their Today!**



Thank You

“Everything should be made  
as simple as possible,  
but not simpler.”

Albert Einstein

June will walk us  
through a case  
in the CP module.  
Your ideas are  
important!

