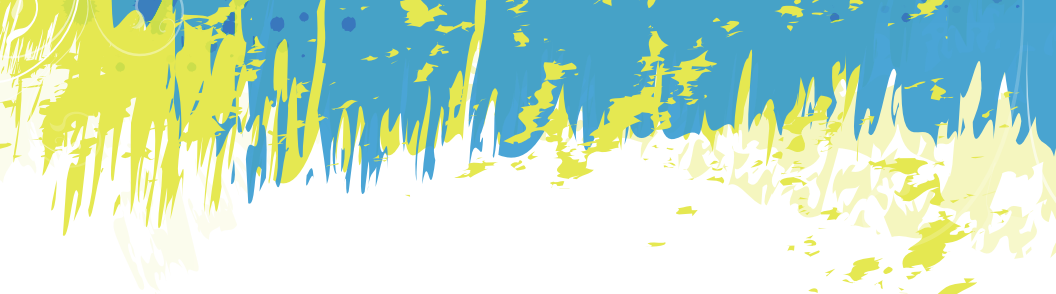




What am I doing here?

A Roadmap for Youth
in the Alaska Child in Need of Aid System



*"We're going to help you find an opportunity
to have a better life."*

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Dear Youth in Foster Care, Welcome!

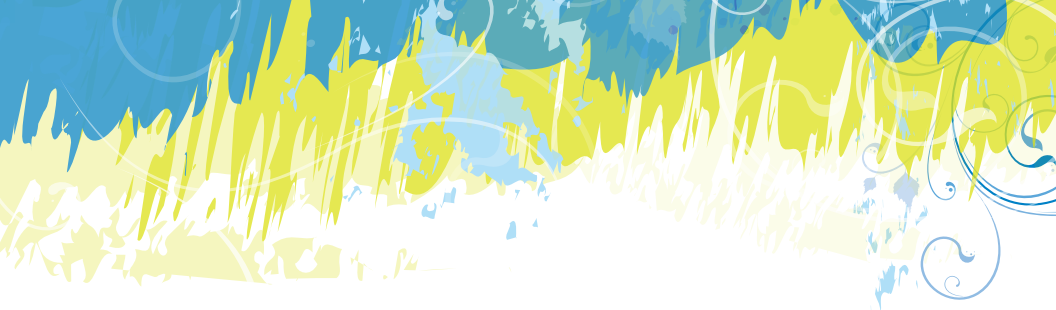
In your hands you have a brief overview of the Alaska “CINA” (Child in Need of Aid) court procedure process. This book was created using feedback from foster youth to help other foster youth just like you. You’ve received this because of a situation in your life that is probably already very confusing. Now you’ve learned you have to go to court, too.

During my own time in foster care, I attended the majority of court hearings and other important meetings and events that involved decisions about my life and my future. I often felt intimidated by the many professionals who seemed to be speaking in terms that were foreign to me, but I knew it was important for me to be in the room because all the decisions that were being made were about me.

As a founding member of Facing Foster Care in Alaska (FFCA) I have learned that many foster youth don’t see the importance of attending their court hearings, or like me, didn’t understand what was happening in the court room and felt very overwhelmed.

We hope this booklet will explain a few things and take away a little bit of your confusion to help you feel more comfortable with the court process, give you an idea of what’s happening in the courtroom, and help you gain an understanding of what’s going on. That’s important so that you can help make the decisions that will be best for you today and in the future.

If you take away only one idea after reading this booklet, we hope it’s this: **We want to know what you think. About everything!**



We want to know your thoughts about:

- this situation;
- how to make things as they are now better;
- and, most importantly, how to make your future everything you want it to be.

If there's anything you don't understand at any time, please ask. We're all here for you — from your caseworker to the judge. We all want to help, but you are the most important person in your CINA case. Tell us how we can help you.

– Amanda Metivier,

Facing Foster Care in Alaska

www.alaskacasa.org/facing_foster_care_in_alaska.htm



What is a “Child in Need of Aid” and how did I become one?

State law defines a child or youth as a “Child in Need of Aid” for one or more of the following reasons:

1. Abandonment by a parent;
2. A parent is incarcerated (in jail) and has not made suitable arrangements for the child or youth;
3. A caregiver is unable or unwilling to care for the child or youth;
4. A parent has failed to provide medical treatment for the child or youth;
5. The child or youth has run away and puts himself or herself in dangerous situations;
6. Physical harm to the child or youth caused by the parent or by lack of supervision;
7. Sexual abuse caused by the parent, including leaving a child or youth with a known sex offender;
8. Mental injury caused by the parent, including exposure to domestic violence;
9. Neglect (failure to provide food, housing, clothing, education);
10. The parent has a substance abuse problem that harms the child or youth;
11. The parent has a mental illness that places the child or youth at risk of harm;
12. The parent pressures the child or youth to commit delinquent acts.



Child in Need of Aid Court Process

Child in Need of Aid
Petition Filed

Temporary
Custody Hearing

48 hours after petition
is filed

Adjudication
Hearing

Within 120 days after
temporary custody

Disposition
Hearing

Soon after adjudication

Permanency
Hearing

Within 12 months of child's
removal from the home

Return Home

Relinquishment
or Termination of
Parental Rights

Guardianship

Another
Planned
Permanent Living
Arrangement

Adoption



Who is involved in my case and what are their roles?

Office of Children's Services (OCS) caseworker (sometimes called social worker).

As your caseworker, I have a lot of jobs, including:

- determining whether you can safely remain in your home or be returned to your home; finding an appropriate place for you to live if you can't be at home.
- arranging visitation between you and your family.
- working with your parents to address the problems in their home.
- making sure you are in school.

Guardian ad litem (GAL).

As your GAL, I am assigned to represent and advocate for your best interests, both in and outside of court. My job includes:

- explaining the court proceedings and your rights to you and encouraging you to participate in your court case.
- gathering information and reading important records about you.
- making sure that OCS is providing appropriate services to you and your family.
- making sure the judge knows what you want, in addition to what I think is best for you.

Court Appointed Special Advocate (CASA Volunteer).

As a CASA Volunteer, my job description is the same as a GAL's. If I am assigned to your case, I will be able to spend lots of time with you because you and your siblings are the only youth on my caseload. Your GAL is my supervisor.

Assistant Attorney General (AAG).

As the AAG, I'm OCS' attorney. I advise the caseworker about the law. I am also in charge of presenting and proving OCS' case in court. I may also attend important meetings about you with the caseworker.

Attorney for the youth.

As your attorney, my job is to advocate for what you want. If I'm appointed to handle your case, I will advise you about the law and your options. I will keep everything you say confidential, unless you give me permission for the information to be released. I will present your case in court for you.

Attorney for the parents.

Your parents have the right to an attorney. Each parent, guardian or Indian custodian will usually have a separate attorney. When I represent parents I will provide them with advice about their legal rights and options. I advocate for parents and act as their spokesperson in meetings and in court.

Tribal representative (sometimes called ICWA Worker).

If you are Alaska Native or American Indian, your Tribe has a right to participate in your court case. As an ICWA worker, I am a representative of the Tribe. My job is to let the people in your case know what your Tribe would like to see happen for you and your family. I will help make sure that you are connected to your tribal family and culture.

Judicial Officer.

As the judicial officer in your case, I want to make sure that you are a part of everything we do. My hope is that you will want to come to court hearings and have a voice in the proceedings. It is my job to make decisions about you and your family, including:

- whether you are a Child in Need of Aid.
- where you should live.
- whether you can be safely reunified with your parents.
- whether appropriate services are being offered to you and your family.
- when you should no longer be in state custody.

Foster parent (sometimes called a Resource Parent).

If you have been removed from your home, you may be placed in foster care. As a foster parent, it's my job to care for you until you are reunified with your family or another plan is developed. I may also come to court with you.



Important things to know

Why do I have to go to court? Am I in trouble?

No, you're not in trouble. It's all about keeping you safe. Alaska's child protection system tries to protect children and youth from many types of harm. If you are not safe in your home, you may become a Child in Need of Aid. Court hearings are all about taking care of you the best way possible, and getting you and your family the help needed to keep you happy and safe.

Will my family ever be together again?

We hope so. The state system does everything it can to keep you in your own home while working with your family to fix any problems it might be having. If that's not possible right away — because there's concern you might not be safe — the state will try to help your family become safe enough so that you can return home.

Sometimes, returning youth to their homes isn't possible. In that case, the state has the right and responsibility to find them new permanent homes.

"If anything doesn't work for you, tell the judge. He or she is there to support you"

This is embarrassing. What if people find out?

There are very strict laws in Alaska to make sure that no one talks about your case, except people who are involved in it.

Can I talk about my case with my friends or family?

You can share whatever information you feel comfortable sharing about yourself. That's up to you. But before you share any information about other people involved in your case, check with your attorney or GAL first.

What should I wear in court?

There's no real dress code for court. Just try to wear something neat and clean. And remember not to wear anything with an obscenity or curse word written on it. Be respectful in your clothing and you'll be fine.

Do I have to say anything in court?

You can speak at the hearing if you want to. We want to hear what you have to say, but it's OK if you'd rather not. It's up to you. Just let your caseworker or GAL know what you'd prefer.

You can write something down, if you like. You could read it in court or ask someone else to read it for you. Just let your caseworker or GAL know.

Can I — or should I — speak directly to the Judge? What should I call him or her?

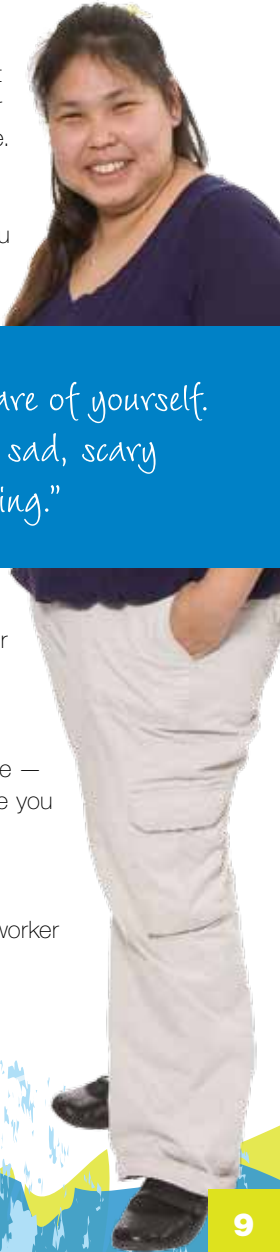
Anytime the Judge speaks to you in court or asks you a question, you can speak to the Judge. Don't interrupt the Judge. You can address the Judge as "Sir" or "Ma'am" or "Your Honor."

What happens if I can't go home right away?

Everyone on your case will work together to find you a safe place to live — with family, friends or in a foster home. If you have ideas about where you might be able to live, make sure to tell your caseworker or GAL.

What if the court hearings take place in another town?

You can attend your hearings on the telephone. Ask your GAL or caseworker or another adult how to do that.



*"Take good care of yourself.
Court can be sad, scary
and frustrating."*

Important things to know

Who can I talk to after court about how I feel?

You can always talk to your caseworker, GAL, CASA, ICWA worker, counselor, or other person you trust about how you feel. They want to know.

Will I be able to see my family and friends?

Your caseworker will be arranging visits with your family and friends. Be sure to talk to your caseworker, GAL, CASA or any other adult if you have questions about visits.

What happens to my Permanent Fund and Native Corporation dividend?

While you're in state custody your dividends will be held in a trust account for you.

How will I know about my court hearings?

Your GAL or caseworker will notify you and your caregiver.

What if I have other questions I don't see here?

Write your questions on the next page and show them to your GAL or CASA next time you talk to them. They can either answer your questions or find out the answer for you.

*"Voice how you feel —
in a nice way!"*

This is what a courtroom might look like... and

Attorney General



Father



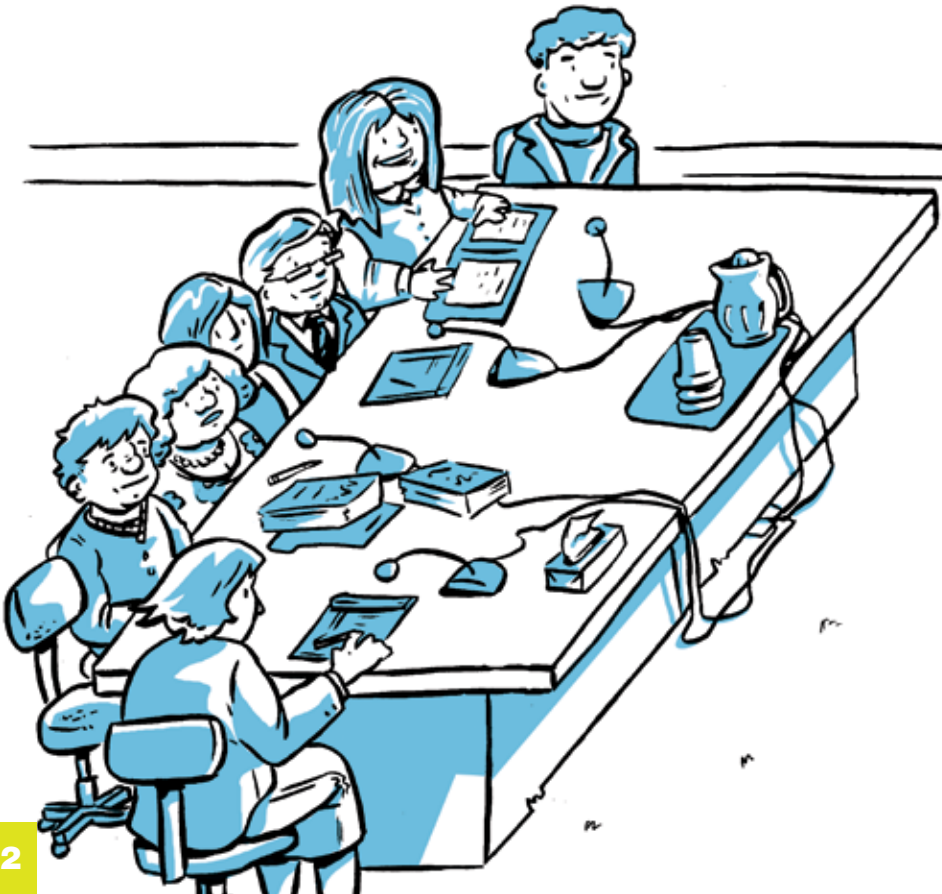
Mother



OCS Caseworker



Attorney



some of the people who might be there

Tribal Representative



Guardian Ad Litem



Court Clerk



Judicial Officer





What do these words mean?

Active/Reasonable Efforts: Services offered to your family so you can stay in your home or go back to your home.

Adjudication: Judge's decision of whether you are a child in need of aid.

Adoption: Someone other than your birth parents becoming your legal parents.

Allegation: Statement in the petition about why you were taken into state custody.

Case plan: Things that you and your parents have to do (example: alcohol treatment, anger management, counseling).

Concurrent Planning: Having a backup plan just in case you can't go home.

Confidentiality: Keeping information away from people who aren't allowed to have it.

Continuance: Postponing a court hearing to a different date.

Dismissal: Judge's decision that your case is over and you are out of state custody.

Disposition: Judge's decision whether you will be in state custody for up to two years.

Emergency Custody: Removal from home if a child or youth is in immediate danger.

Evidence: Information provided to the judge to make a decision.

Exit Plan: The plan older youth develop with Independent Living Specialists for what they will be doing after leaving state custody.

Expert Witness: Someone who knows a lot about a certain area (example: counselor, doctor).

Family Contact (also called Visitation):

- Supervised: Someone is watching you while you visit with your family.
- Unsupervised: Visits with your family without someone watching you.

Guardian: Someone other than your birth parent who is given most of the rights and responsibilities that a parent would have.

Hearing: A court proceeding.

Independent Living Skills: Learning how to take care of yourself.

Indian Child Welfare Act (ICWA): Special law dealing with Alaska Native and American Indian children, families and tribes.

Indian custodian: a Native person who has been caring for a Native child under tribal law or custom or with the permission of the parent.

Mediation: Meeting run by a neutral person where all the people involved in your case try to reach an agreement about what should happen.

Motion: Request that a judge take some action or make a decision.

Notice: Being told the "who, what, where, when, and why" of court.

Order: A judge's decision that must be followed by everyone.

Party: A person that's involved in your case that has legal rights.





What do these words mean?

Permanency Hearing: A court hearing where the judge decides where your case is headed (going home, being adopted, getting a legal guardian, staying in foster care).

Petition: The first document that is given to the judge that explains what happened.

Relinquishment: A parent giving up his or her rights voluntarily.

Reunification: Going home with a parent or guardian.

Review Hearing: A hearing requested by a party who doesn't like what's happening in your case.

Status Hearing: Hearing set by the judge to make sure a case is moving along.

Statute: A law passed by the legislature.

Stipulation: Agreement.

Termination of Parental Rights: Judge's decision to end a parent's rights.

Testimony: A statement made under oath.

Tribe: A Tribe is the governmental entity that has specific membership requirements.

Waiver: To give up a right.

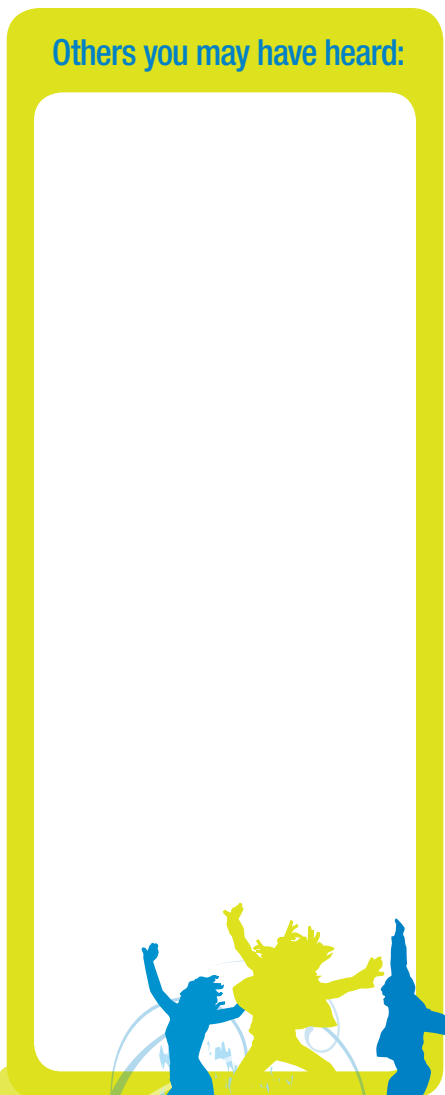
Witness: Someone who knows what happened because they saw it.

"If you have something to say, say it, don't be afraid."

Abbreviations

- AAG** = Assistant Attorney General
- APPLA** = Another Planned Permanent Living Arrangement
- CASA** = Court Appointed Special Advocate
- CINA** = Child in Need of Aid
- DJJ** = Division of Juvenile Justice
- FACE** = Family and Children Early Conference
- FFCA** = Facing Foster Care in Alaska
- GAL** = Guardian ad litem
- ICC** = Interim Case Conference
- ICPC** = Interstate Compact on the Placement of Children
- ICWA** = Indian Child Welfare Act
- IEP** = Individualized Education Plan
- ILS** = Independent Living Specialist
- OCS** = Office of Children's Services
- OPA** = Office of Public Advocacy
- PC** = Probable cause
- PDA** = Public Defender Agency
- PPC** = Permanency Planning Conference
- PTC** = Pre-Trial Conference
- RTC** = Residential Treatment Center
- SSA** = Social Services Associate
- SW** = Social Worker
- TDM** = Team Decision Making Meeting
- TPR** = Termination of Parental Rights

Others you may have heard:



My Contacts

Caseworker



phone _____



e-mail _____



address _____

Guardian ad Litem



phone _____



e-mail _____



address _____

CASA



phone _____



e-mail _____



address _____

Attorney



phone _____



e-mail _____



address _____

Alaska Court System



phone _____



e-mail _____



address _____

Other



phone _____



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Other



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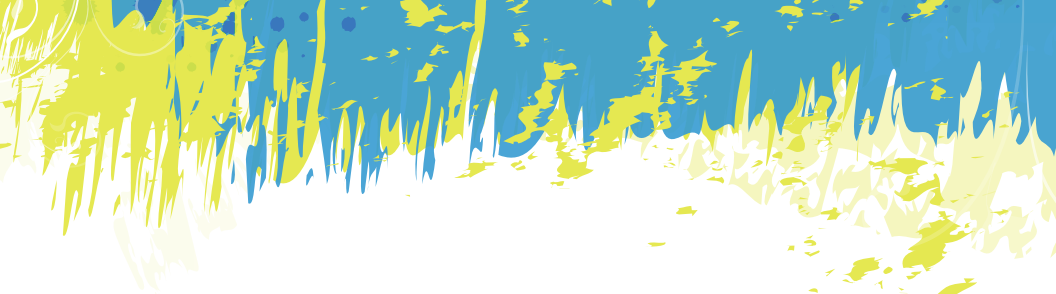
phone _____



e-mail _____



address _____



My court dates

Purpose: _____ Purpose: _____

Date: _____ Date: _____

Time: _____ Time: _____

Location: _____ Location: _____

Items to bring: _____ Items to bring: _____

Questions: _____ Questions: _____

Purpose: _____ Purpose: _____

Date: _____ Date: _____

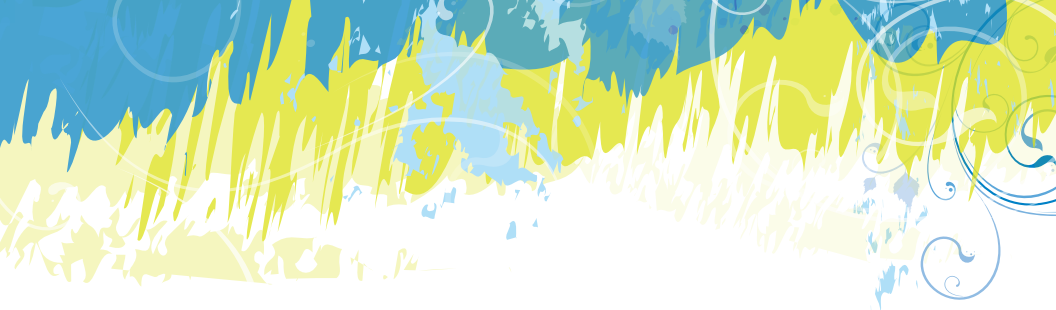
Time: _____ Time: _____

Location: _____ Location: _____

Items to bring: _____ Items to bring: _____

Questions: _____ Questions: _____





Purpose: _____ Purpose: _____

Date: _____ Date: _____

Time: _____ Time: _____

Location: _____ Location: _____

Items to bring: _____ Items to bring: _____

Questions: _____ Questions: _____

Purpose: _____ Purpose: _____

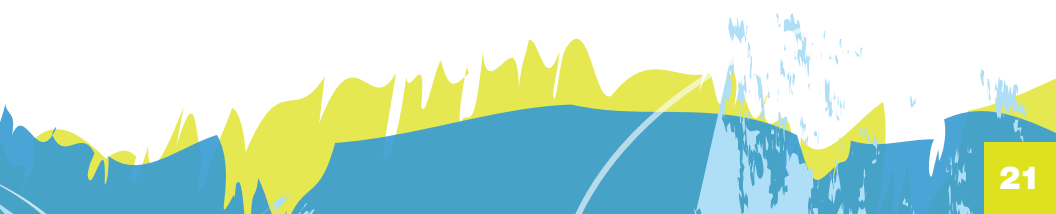
Date: _____ Date: _____

Time: _____ Time: _____

Location: _____ Location: _____

Items to bring: _____ Items to bring: _____

Questions: _____ Questions: _____





"We know this process is scary and intimidating, but your presence and voice in court is important. We are here to help if you have questions or concerns, so don't hesitate to ask."

This book was produced
in collaboration with the following agencies:

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