IOWA DEPARTMENT OF HUMAN SERVICES

How Can I Help This Child?

AMERICAN BAR ASSOCIATION

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How Can I Help This Child?
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HOW CAN I HELP THIS CHILD?

The Department of Human Services (DHS) is asking you to help take care of your relative or friend's child. You have many questions. This booklet will tell you what you need to know to help this child.

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Talk to the family's social worker. Ask these questions. Ask about anything else you want to know.

Social Worker _____

Phone Number _____

Address _____

1 Why is DHS involved with this child's family?

This child's life or health is at risk. Parents have a right to raise their child. This right is protected by the United States Constitution. The state can only get involved if parents' actions harm or could harm their child. This includes things they should do for their child but don't.

This child needs help. In Iowa, the state can get involved in a family only if children are:

- Left without a parent or anyone to take care of them.
- Abused, sexually molested, mistreated or at risk of abuse.
- Forced to be prostitutes or to commit crimes.
- Neglected or don't get the medical help or counseling they need.
- Not supervised or their parents can't take care of them.
- Born with illegal drugs in their body.
- Unwilling to live with their parents or have parents who don't want to raise them for a good reason.

The court must agree. This child can only be taken from parents if the court orders it. DHS must prove to the judge this child is in danger. Parents can also agree to let DHS take care of their child.

Parents have privacy rights. The DHS social worker may not be able to tell you details about why this child can't live with parents. You can get more facts if parents say it is okay for you to know. Once the court makes a decision, you can be told the court's findings. The social worker can tell you about this child's health and how this child is doing in school.

2 Why am I being asked to help?

This child wants to live with someone they know. It's hard for kids who can't live with their parents. Being with a relative or adult they trust can make it easier. DHS prefers to have children live with relatives. If a relative can't be found, this child will live with foster parents.

You can make this child feel at home. Because you know this child, you can help. You can keep this child close to their family, neighborhood, and culture. (For Indian children, you can keep them with their tribe). You can keep brothers and sisters together. You speak their language. You know their history.

It is your choice. Taking care of this child is a big responsibility. This child may have problems because of abuse or because they miss their parents. Only you know if you have the time and patience to help. If not, tell DHS about other relatives who could help.

DHS must make sure this child will be safe. If you agree to help, DHS is required to:

- Check if you have a criminal record.
- Check if you have abused or neglected another child.

The social worker will visit your home. You will be asked to fill out forms. The social worker will ask you about keeping this child safe. This may mean keeping a parent away. Let the worker know if you can't do this.

If you live in a different state from this child, a social worker from your town will visit you. This social worker will talk to the social worker in this child's state. It might take a little longer, but this child will appreciate your help just the same.

3 Can this child live with me while parents get help?

It's up to the judge. First, the judge must decide this child can't live with parents. Then the judge awards *custody*. Whoever gets custody decides where this child lives. (Like a divorce, where mom or dad gets custody).

The judge may give you custody. This means this child lives with you. Parents can't get this child back without going to court again. The judge may tell you to help DHS help the parents. Parents and the social worker may visit this child in your home. You may have to go back to court.

The judge may give DHS custody. Then it is up to DHS where this child lives. DHS may decide to let this child live with you. You will be a *relative caregiver*. A social worker will visit your home every month. Parents will visit. DHS can take this child to live somewhere else if they decide your home isn't safe.

You could become a foster parent. Foster parents have to pass some special requirements. They must go to training and follow DHS rules. Only foster parents can get foster care payments (see page 8). If you are not related to this child by blood or marriage and DHS has custody, you must become a foster parent to be this child's caregiver.

Is the plan to return this child to parents? In most cases, it is. But, in some cases, the judge decides it is too dangerous to ever send the child home. Sometimes, parents decide they can't ever take their child back home. Then, for this child to live with you, you must agree to take care of this child for good (see page 10).

4 Do I have to go to court?

You must go to court if you want custody of this child (see page 3). You also must go to court if you want to take care of this child for good (see page 10). However, if DHS has custody, you are not required to go to court. You may be called to court to be a witness, to tell the judge what you know or have seen about the case.

This child's case will go to court many times:

- At the *Removal Hearing*, the judge will decide whether this child is in danger and can't live with parents.
- At the *Adjudication Hearing*, the judge will decide whether parents need help before this child can go home.
- At the *Dispositional Hearing*, the judge will tell parents what they need to do to get this child back and where this child will live. It may be held at the same time as the Adjudication Hearing.
- At the *Review Hearing*, the judge will see how well parents are doing to solve their problems and whether this child can go home. These hearings will be held at least every six months.
- At the *Permanency Hearing*, the judge will decide whether this child can go home with parents or not (see page 10).

If this child lives with you, you have a right to go to court. You will receive a letter or phone call telling you when the court will hold a hearing. You can tell the judge or guardian ad litem about this child and the parents.

If this child does not live with you, you can ask to go to court. If you are a close relative or this child has lived with you before, the judge may allow you to *intervene*. If so, you will get notice of every hearing and be allowed to talk in court. If not, you may still come to court and listen to what is going on.

5 What will DHS do to help?

DHS will prepare a *Case Permanency Plan*. The Case Permanency Plan tells parents what they must do to get this child back. It also lists the services DHS will give parents, this child, and you.

Parents will get services to help solve their problems. DHS will help parents make their home safe so this child can go home. Parents might get drug treatment, counseling, or parenting classes. DHS will also help parents visit this child (see page 6).

Children will get services to help them get better. DHS can make sure this child gets to see a doctor. Most children will need counseling to talk about their feelings.

You may get services to help while this child lives with you. You may not need DHS help. But if you do, let the social worker know. You may be able to get help with day care. If you need someone to take care of this child for several days, ask about *respite care*. If you become a foster parent (see page 3), you will also get training. Talk to the social worker if you need financial help (see page 8).

Help DHS improve the Case Permanency Plan. Tell the social worker if this child needs any special services. Since you live with this child, you know this child's needs better than anyone. The social worker and the judge can add new services to the plan, too.

This plan has a deadline. If this child is three years old or younger, parents have six months to make their home safe for this child. If this child is four years old or older, parents have 12 months. If parents miss this deadline, DHS will look for someone else who can take care of this child for good (see page 10).

6 Can parents visit?

The judge may limit a parent's visits. Parents have a right to visit their child. Parents can only lose this right if they endanger this child and the court denies them visits. If the court says a parent can't visit, you must not let the parent see this child. If you do, this child could be moved to another home. If the judge says "no contact," this means no phone calls, letters, gifts or messages either.

You may be asked to *supervise* visits. Sometimes, the judge will allow parents to visit but ask someone to watch over them so they don't hurt or take the child. If you are asked to do this, remember you cannot leave this child alone with the parent, even if you think it is safe.

To find out if visits are limited, talk to DHS. The social worker can tell you. Ask:

- Can this child's mother and father visit?
- Do I have to supervise visits?
- Are there any other limits on parents, like no calls or letters?

If there are no limits, it's up to you and the parents. One of the best things about this child living with relatives is parents can visit more. It helps this child feel wanted. It helps the family get back together.

DHS sets a visitation schedule. This is important for parents. DHS needs to know that parents keep in contact with this child. If parents don't visit, they can lose this child forever. Keep track of visits. Let the social worker know if parents are visiting.

Remember parents have a right to visit. You can't stop them if the court says it is okay. If you are worried this child isn't safe during visits, tell the social worker right away. In an emergency, call the police.

7 What decisions can I make for this child?

If DHS has custody (see page 3), the social worker will tell you what decisions you can make. Usually, you can sign school permission slips and take this child to doctors. You will need to talk to the social worker for bigger decisions like changing schools or if this child needs surgery.

Tell DHS if you go on vacation. This is very important if you plan to go to another state. You will need DHS to say okay. Tell parents, too.

Tell DHS if you move. DHS needs to know this child's address. If you change homes, tell DHS right away. DHS must make special arrangements if you move to another state. Tell parents so they can visit.

If you have custody, you can make big decisions. You can decide where this child lives. You can consent to emergency medical treatment. You can enroll this child in school. Look at the court's custody order. It may put some limits on your decisions for this child. One thing you can't do is return this child to parents without court approval.

Parents still have rights. Even though you or DHS has custody, parents still can make major decisions for this child. For example, parents can consent to medical treatment or participate in a school conference. Parents only lose these rights if they sign a "release of custody" or the court terminates their rights (see page 10).

If the decisions you make endanger this child, DHS can take action. If DHS has custody, DHS can take this child away from you. If you have custody, DHS must go to court.

8 Can I get financial help?

If money is the reason you can't have this child live with you, DHS can help. The social worker can explain to you different types of funds. The social worker can give you application forms. For each kind of funding, you must meet special requirements.

You can get child support from parents. Parents have a duty to support this child, even if this child is not living with them. The judge may order parents to pay you support in the custody order. If not, you can ask the court for a support order. You can't get child support if parental rights are terminated (see page 10).

You can be a FIP caretaker. FIP stands for the Family Investment Program (it used to be called AFDC or welfare). If this child is eligible and living with you, you may be eligible for FIP. You can also get medical help (Medicaid) and a Title 19 medical card. If you work more than 28 hours per week, you may get day care, too. You are eligible as long as this child lives with you.

You may be able to get foster care payments. DHS must have custody of this child and place this child with you as a foster child. You will have to meet DHS requirements to become a licensed foster parent.

You may receive SSI if this child is disabled. Children who have permanent mental or physical disabilities are eligible for Social Security Income. If a parent is disabled or has died, this child may receive Social Security. If you are this child's "payee," the check comes to you.

You may get an adoption subsidy. You are only eligible if parents have given up their parental rights or the court has terminated them (see page 10). No guardianship subsidies are available yet in Iowa.

9 Who can I talk to if I have a problem?

Talk to your friends and relatives. Many problems can be solved within your own family. Sit down and talk with parents. Help them learn how to solve their own problems. Discuss a problem with your minister or a trusted friend.

Ask for a Family Group Meeting. Some DHS offices have people who will help you call a family meeting to work out problems. This is a good option if you are having problems with visits.

Talk to the social worker. The social worker can help you with services for this child. The social worker can help you get services you need. Please ask for help before you decide this child can no longer live with you. Expect difficult times with this child, especially at first.

Contact the guardian ad litem. The *guardian ad litem* is the lawyer for this child. This lawyer can talk about problems in court to help this child.

Talk to the CASA. A CASA is a "Court-Appointed Special Advocate." This person advises the court about what is best for this child. The CASA is not an attorney. The CASA can let the court know about problems. Not all counties have CASA programs.

Go to court. If problems continue, go to the next hearing (see page 4). Tell the judge what you think needs to happen for you and this child.

Get an attorney. If you still are unhappy with the case, you can hire an attorney. This attorney will represent you in court. You will need an attorney if you want custody of this child and DHS disagrees.

10 What if parents can't take this child back?

Some parents decide they can't raise this child. They may ask you to take care of this child for them. They may ask another relative or put this child up for adoption. Parents must sign a paper called a *Release of Custody.* This paper means the parents give up their rights as a parent forever. It must be approved by a judge.

Other parents can't make their home safe in time. Children need permanent, stable homes with adults they can depend on. If parents cannot solve their problems after a year, DHS will start to look for someone else to take care of this child for good.

Do you want to be this child's caregiver until this child reaches age 18? This is a big decision. Do you have the time and patience? Are you healthy enough to handle this child? Teens may be more difficult than toddlers. Even if you have a crisis, this child will stay with you.

You could become this child's custodian or guardian. You must go to court. Parents could still visit if that's good for this child and for you. You could get child support from parents. Parents still could get custody back if they make big enough changes and the court agrees. DHS will usually not be involved.

You could adopt this child. This is the most permanent option. Parents could never get the child back. Their parental rights would be terminated. You would have total say over any visits. You might get an adoption subsidy and medical care for this child. You'll need to get an attorney and go to court. DHS will close this child's case once the adoption is final. You might get some DHS services after the adoption.

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APPOINTMENTS

Thank you for helping this child.

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