

Information for Grandparents



**ON
CHILD IN NEED OF CARE
CASES**

Your Rights and Responsibilities in a Child in Need of Care Case

Usually parents raise their children without the involvement of state agencies or the court. If something happens that may threaten a child's health, safety, or well-being, the State may step in. In a Child in Need of Care case, the court decides if and how the State will become involved to protect a child. Under the Revised Kansas Code for the Care of Children, a child is a "Child in Need of Care" if one or more of the legal grounds are proved.

Your Rights and Responsibilities

1. **Right to be an "Interested Party"**-In a Child in Need of Care case, people other than the parent(s), child, and state may participate. They are called interested parties. As a grandparent, you have a right to be considered an interested party, it is your responsibility to tell the court.
2. **Notice of Proceedings**-You have a right to be notified when your grandchild's case has begun. If you become an interested party, you will be told, either in court or by mail, about hearings and other proceedings. Whether you become an interested party or not, you will be notified if there is a hearing to terminate parental rights. If you move, it is your responsibility to tell the court your new address.
3. **Nondiscrimination**-You have a right to a decision that is free from discrimination on grounds such as race, national origin, or gender.

Your Rights and Responsibilities, continued

4. **Attorney**-If you become an interested party, you have a right to hire an attorney to represent you in the case. If your grandchild lived with you for a significant period of time within six months of the start of the case and you cannot afford an attorney, the court may provide you with one. It is your responsibility to request an attorney and provide the necessary information if you want the court to provide one.
5. **Permanency Plan**-If you become an interested party, you have a right to take part in making the permanency plan. The permanency plan sets out the steps to be taken to help the child's family. It is your responsibility to follow the permanency plan as it applies to you.
6. **Participation**-If you become an interested party you may participate by presenting evidence and calling and cross-examining witnesses, unless the court decides that it is not in the child's best interest for you to do so. The court may not prevent you from attending the proceedings, making a statement to the court, or having access to the official file. You have a responsibility to come to the hearings and to follow the court's rules.
7. **Appeal**-If you become an interested party, you have a right to appeal some of the court's decisions. It is your responsibility to file the appeal, or have your attorney file the appeal within the time limits provided by law.

The Steps in a Child in Need of Care Case

To understand your rights and responsibilities, you should understand the steps in a Child in Need of Care case. There may be a number of different types of hearings that serve different purposes. Some of these hearings may be combined, repeated, or not used, depending on the case. The most important steps are:

- ❖ **The Petition**: A Child in Need of Care case officially starts with a Petition, which is usually filed by the County Attorney. The petition says why the court should get involved to protect the child.
- ❖ **The Permanency Plan**: Early in the case, a permanency plan will be prepared that says what needs to be done to help your family. It may include services to be provided to you, your child and family, as well as conditions and requirements you must meet. Doing what the permanency plan says is the most important thing you can do for the child.
- ❖ **Temporary Custody**: The child may be removed from the parents' custody during the case. Even before the case begins, the child may be taken into protective custody if there is reason to believe that the child may be harmed. In such a case, within seventy-two (72) hours [not counting weekends and holidays] there will be a temporary custody hearing. At the hearing, the Judge will decide if the child can return home.

The Steps in a Child in Need of Care Case, continued

- ❖ **Adjudication**: The adjudication is the court hearing, if the Judge decides there is not enough evidence, the case ends. If the Judge decides that the child is a Child in Need of Care, the next step is disposition. Disposition may occur at the same hearing as the Adjudication.
- ❖ **Disposition**: The disposition is the court hearing in which the Judge decides what to order in the case. The Judge has many choices, and the Judge's decision will be based on the evidence and the best interests of the child. The disposition will set a goal for the child to have a permanent home that is healthy and safe. In most cases, the goal is to keep a child with the parents or to make it healthy and safe for the child to return to the parents.
- ❖ **Permanency Hearings**: A permanency hearing is a court hearing that checks on the progress that has been made towards the goal set at the disposition. It is very important for all parties to follow the permanency plan and make progress towards that goal. If the Judge decides that enough progress has not been made, the goal may be changed to Termination of Parental rights.
- ❖ **Termination of Parental Rights**: In some cases, the court may permanently remove a child from the parents' custody and terminate parental rights. This may be a possibility from the beginning of the case.

Court Dates:

Attorney:

Name

Address

Phone Number