

**STATE OF ILLINOIS
CIRCUIT COURT OF COOK COUNTY
CHILD PROTECTION DIVISION**



A COURT GUIDE FOR CASEWORKERS

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This *Court Guide for Caseworkers* was developed to assist caseworkers in presenting information to the court. The language, behavior and customs prevalent within courtrooms are unfamiliar and often uncomfortable to those without legal training. Caseworkers have remarked that important information about a family or family member was not given to the court because either the "right questions" were not asked, or the caseworker was not given the opportunity to answer a question the way he or she wanted. Attorneys have commented about lack of evidence in a case due to either deficient documentation or inadequate information available from a caseworker. We hope to eliminate these frustrations by explaining significant legal events and important legal concepts related to child protection cases, and identifying the caseworker's important role in the legal proceedings.

We hope that this guide will help to increase court efficiency by developing a common and clear understanding among all caseworkers – those from private agencies and those from DCFS – about information the court needs and expects caseworkers to provide at court hearings. We also hope that the information contained in this guide will empower caseworkers to better influence judicial decisions by being better prepared to testify in court. Achievement of these goals will enable all of us to better serve the families with whom we are involved.

Clearly, this guide does not replace agency regulations, policies and procedures. We expect you to use your agency's policies and procedures in conjunction with this guide.

We encourage you to refer to this Guide regularly; we will update this material as court practices and statutory changes occur. You are welcome to duplicate any of this material as long as it is used to further the interests of the court.

Patricia Martin Bishop
Presiding Judge
Child Protection Division
Circuit Court of Cook County

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I. BACKGROUND

The first juvenile court in the country was created in Cook County, Illinois, in 1899. This represented a revolution in the way society treated its children. No longer were children viewed as little adults or property, but as a special category of people who needed protection.

The original court was a judge-led social service organization that not only made judicial decisions but also provided social services to children. The court sought to understand the child's circumstances and to help the child live a productive life. Major reform efforts aimed at delinquent and dependent children continued in the city of Chicago and at juvenile court for decades.

In 1964 the juvenile court became part of the Circuit Court of Cook County. This change began a move by the court away from the court's provision of social services and toward the exercise of purely judicial functions.

A further change took place in 1995 when Cook County Chief Judge Donald P. O'Connell restructured the unified Circuit Court of Cook County by elevating juvenile court to one of three departmental courts and dividing the dependency and delinquency operations into separate divisions. Chief Judge O'Connell created the Child Protection Division to hear child abuse, neglect and dependency matters and the Juvenile Justice Division to hear delinquency matters. He also created the Juvenile Justice and Child Protection Department Resource Section, appointing Judge Sophia H. Hall as Administrative Presiding Judge, a post she continues in to this day. The current Presiding Judge of the Juvenile Justice Division is Judge Curtis Heaston, appointed by Chief Judge O'Connell in June 1999. The current Presiding Judge of the Child Protection Division is Judge Patricia Martin Bishop appointed by Chief Judge O'Connell in January 2000.

II. THE ROLE OF THE COURT TODAY

Generally in our society families are left alone to raise their children without interference. In certain instances however, the state intervenes in a family in order to protect a child. When the state intervenes and interferes with the constitutionally protected parent-child relationship, the court is involved in order to ensure that all legal rights are protected.

The Juvenile Court Act, written and periodically modified by the state legislature, governs child protection legal proceedings in Illinois. The Juvenile Court Act specifies when court intervention may occur and defines the extent of the intervention. The Juvenile Court Act's stated purpose is to preserve and strengthen the child's family, removing the child from his or her family only when the child's welfare, safety, or that of the public cannot be adequately safeguarded.

The Child Protection Division's mission, which was developed in 1997, is to protect every child's right to a safe, permanent and nurturing home and to strengthen families in crisis, treating all with dignity, respecting diversity and valuing each child as our own.

III. A GUIDE TO COURT PERSONNEL

JUDGES are appointed to serve in the Child Protection Division by the Chief Judge of the Circuit Court. One judge is appointed as presiding judge of the Child Protection Division and is responsible for administration of the division. Each judge is assigned a group of cases from a designated geographic area within Cook County; this group of cases is known as a "calendar." The judge makes decisions about each case according to the law and based on facts presented through evidence. Each judge conducts hearings in a courtroom (designated by letters A-N).

HEARING OFFICERS are attorneys experienced in juvenile law matters and are appointed by the Chief Judge. Hearing officers conduct permanency hearings and hearings to determine the progress that is made towards achieving the permanency goal set for each child. Hearing officers may also perform other duties as requested by the presiding judge. Hearing officers cannot enter court orders; rather, they make recommendations to a judge based on the law and evidence presented in each case. Once a judge enters an order based on a hearing officer's recommendations, it is a court order. Hearing officers conduct hearings in a hearing room, which is generally, located immediately outside of a courtroom.

PARTIES are those people who have a legal interest in the court proceedings. Parties have certain rights, such as the right to notice, the right to be present, the right to legal counsel, etc. In child protection proceedings, the parties usually include the following: the People of the State of Illinois; the minor, who is the subject of the proceeding; and the minor's parents.

ATTORNEYS generally represent parties in child protection proceedings and participate in the proceedings.

ASSISTANT STATE'S ATTORNEY represents the interests of the People of the State of Illinois in prosecuting all aspects of a case in the Child Protection Division. The State's Attorney's Office determines whether a court case should be filed. This decision is made after talking with the child protection services investigator or family caseworker. If a petition is to be filed, the State's Attorney's Office has the burden of proving that a child is abused, neglected or dependent. In cases proceeding to terminate parental rights, the State's Attorney's Office files and prosecutes the petition.

PARENTS' ATTORNEY serves as legal representatives to the minor's parent's child protection proceedings. Parents are entitled to representation by law. However, if a parent cannot afford to hire an attorney, and the court has found the parent or parents to be indigent, the court will generally appoint an assistant public defender to represent one or both of the parents. However, if there would be a conflict of interest for the Public Defender's Office to

accept appointment for either one or both parents, an attorney in private practice (from a list of attorneys eligible to practice in juvenile court) is appointed.

ATTORNEY FOR THE MINOR serve as legal representatives for each minor who is the subject of a petition that has been filed. Minors are entitled to an attorney and a guardian ad litem by law. The role of the guardian ad litem is to represent the best interests of the minor. In Cook County, an assistant public guardian is generally appointed as both guardian ad litem and attorney for the minor. If there would be a conflict of interest in the Public Guardian's Office accepting an appointment, an attorney in private practice (from a list of attorneys eligible to practice in juvenile court) is appointed.

THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS) may also have an attorney present in child protection proceedings to ensure compliance with the department's rules and regulations.

FOSTER PARENTS and RELATIVE CAREGIVERS are usually not parties (in some circumstances they can formally intervene and become a party). However, the role of the foster parent and relative caregiver in court is so important that it is worth mentioning them specifically. The law states that any current or previously appointed foster parent has the right to be heard by the court. The law also states that any current foster parent has the right to receive notice of all court dates.

The court views the foster parent as an important source of information about a child and a resource in determining progress being made in a case. The court expects caseworkers to promptly advise foster parents and relative caregivers of any upcoming court dates and to strongly encourage their attendance in court.

COURT APPOINTED SPECIAL ADVOCATE (CASA) is a trained volunteer who serves as the child's advocate and is appointed by a judge to monitor the situation of the child. The CASA reports to the court in writing and through oral testimony about the child and the family's progress, and makes recommendations to the court that are based solely on what is believed to be in the child's best interest.

COURT INTERPRETER are foreign language and sign language interpreters who are provided by the court to non-English speaking person or persons with speech or hearing impairments; their presence can be arranged through any of the attorney offices. All interpreters are sworn to truly interpret all questions and answers given in the court proceeding as directed by the judge.

Other courtroom personnel who may be present in the courtroom but not participate directly in the proceedings include:

COURT COORDINATOR is an attorney whose main responsibility is to facilitate the flow of cases on the court call. The coordinator acts as a liaison between the judge, the hearing officer, the various attorneys, parties, caseworkers and courtroom personnel. A court coordinator is assigned to each courtroom.

COURT FACILITATOR is a DCFS employee with many years of casework experience who remains either in the courtroom or hearing room to assist with the court call. For example, the court facilitator may help the court by determining who the assigned caseworker is in a case and by following up so that an absent caseworker appears in court as needed. Or, the facilitator might assist caseworkers by answering questions about court, referrals, and services, etc.

COURT REPORTER is responsible for recording everything that is said in court so that a complete written transcript of a court proceeding can be provided to a party when required. It is important to speak clearly and loud enough to be heard by the reporter.

IV. A GUIDE TO THE JUVENILE COURT CENTER

The Juvenile Justice and Child Protection Department of the Circuit Court of Cook County is located in two adjoining buildings. This building known as The Juvenile Court Center is located at 2245 West Ogden Avenue, Chicago, Illinois 60612.

The center has two entrances. The east side of the building, 1100 South Hamilton Street, houses 13 Juvenile Justice Division courtrooms (ground level) and the Juvenile Detention Center on the floors above the courtrooms. The Sheriff's Office is on the second level of the Hamilton Street building.

The west side of the center, 2245 West Ogden Avenue, houses the majority of the Child Protection Division's personnel and resources.

CONCOURSE LEVEL includes:

- Clerk of the Circuit Court, Child Protection cases (433-6865) -
A caseworker I.D. is required in order to view clerk files; the only documents allowable for duplication are court orders.
- Auditorium - various court meetings, training, educational and special events are held here
- Library/Conference Center
- Illinois Department of Public Aid (IDPA): assists with processing findings of paternity and opening child support cases.
- Interventions: conducts court ordered drug assessments and referral services
- LabCorp: performs court-ordered buccal swab paternity testing
- Child Protection Division Courtrooms H through N and associated hearing rooms
- Bar Attorney Administrative Office (433-4712): resource center with mailboxes for private attorneys appointed to represent parties

GROUND LEVEL includes:

NOTE: COURTROOM ASSIGNMENTS FOR PRE-SCHEDULED TEMPORARY CUSTODY HEARINGS ARE POSTED ON THE BUILDING DIRECTORIES AT BOTH THE HAMILTON STREET AND OGDEN AVENUE ENTRANCES, AND BY THE OGDEN BUILDING ELEVATORS.

- Information Desk / Lost and Found (433-6739)

- TASC - performs drug assessments and referrals for minors involved in the juvenile justice courtrooms
- Clerk of the Circuit Court, Juvenile Justice cases (433-4881)
- Vending machines - drinks and snacks
- Sheriff's Desk/ Lost and Found (433-6961)
- The Children's Art and Nature Room (433-6909) - available as a quiet play area for children who must wait at court.
- Child Protection Division Courtrooms A through G, and related
- Hearing Rooms.

2nd FLOOR:

- Juvenile Justice Probation (433-4401)
- Chicago Public Schools Information Office (433-5220,1) - provides assistance with school related problems

3rd FLOOR:

- DCFS Legal Services, DCFS Court Facilitators, and DCFS Service
- Service Plan Distribution Center (633-3400)
- Juvenile Justice Probation (433-4601)

4th FLOOR:

- Office of the Public Guardian (433-4300)

5th FLOOR:

- DCFS Help Unit (633-4054)
- Court Interpreters (433-6767)
- Court Reporters (433-6930)
- Facilities Management
- Clinical Evaluation Services Initiative (CESI) (433-6686)

6th FLOOR:

- State's Attorney's Office (433-7000)

7th FLOOR:

- Public Defender's Office (433-7046,7)

8th FLOOR:

- Presiding Judge's Office (433-6990) - both the presiding judge of the Child Protection Division and the presiding judge of Juvenile Justice are located in this office

- Hearing Officer Section (433-7827)
- CASA (433-4928)
- Administrative Services
- Mediation Office (433-5259)
- Cook County Juvenile Court Clinic (433-6666)

V. BEST INTEREST

The Juvenile Court Act, the law governing child protection proceedings in Illinois, requires decisions made at various stages of child protection proceedings to be consistent with the "best interest" of the child. Some decisions require a specific court finding of best interest. The Act not only specifies which determinations are to be made in the child's best interest, but it also provides direction as to what to consider when deciding what is in a child's best interest.

Whenever a "best interest" determination is required, the following factors shall be considered in the context of the child's age and developmental needs:

- (a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
- (b) the development of the child's identity;
- (c) the child's background and ties, including familial, cultural and religious;
- (d) the child's sense of attachments, including:
 - (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
 - (ii) the child's sense of security;
 - (iii) the child's sense of familiarity;
 - (iv) continuity of affection for the child;
 - (v) the least disruptive placement alternative for the child;
- (e) the child's wishes and long-term goals;
- (f) the child's community ties, including church, school, and friends;
- (g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;
- (h) uniqueness of every family and child;
- (i) the risks attendant to entering and being in substitute care; and
- (j) the preferences of the persons available to care for the child.

705 ILCS 405/1-3(4.05)

COURT'S EXPECTATIONS OF THE CASEWORKER

Under the Juvenile Court Act, "best interest" is a legal conclusion. This conclusion, like any other legal conclusion, must be based on accurate, relevant, timely and factual information presented to the court as evidence.

The court views the caseworker as essential in providing evidence necessary to fully inform the court as to what is in a child's "best interest" and why. The court expects a caseworker to be able to offer an opinion on "best interest," and the factual basis for that opinion. In order to effectively provide this information to the court, a caseworker must be familiar with each of the

"best interest" factors identified in the statute and be able to apply these factors to a particular child.

(Revised 11/27/01)

IV. COURT PROCEEDINGS

A. TEMPORARY CUSTODY HEARING

NOTE: In this section, "caseworker" refers to the child protection investigator, the intact family caseworker and the follow up caseworker unless otherwise specified.

WHAT IS IT?

The TEMPORARY CUSTODY HEARING is the first court hearing in a child protection case. It is referred to as the temporary custody hearing even when temporary custody is not sought. It is often viewed as the most important hearing because this hearing sets the direction and tone for everything that follows. The purpose of the temporary custody hearing is to determine whether a child is dependent, a victim of abuse or neglect or at risk of abuse or neglect such that the court should intervene for the safety and protection of the child.

A temporary custody hearing occurs in court as a result of a petition for adjudication of wardship being filed by the assistant state's attorney. A separate petition must be filed for each child the State is requesting be made a ward of the court.

The filing of this petition requires the court to conduct a hearing to determine whether there is probable cause to believe the child was abused, neglected, or is dependent. If so, and when a motion for temporary custody is filed along with this petition, the court must also decide whether the child can remain safely within the family setting pending further juvenile court proceedings. If the court believes a child cannot remain safely at home, the focus of the temporary custody hearing shifts to options for out-of-home placement and family reunification services.

The significance of each of the decisions made at the temporary custody hearing cannot be overemphasized. If it is necessary to remove a child from the home, irreparable damage may be done to the child and to the family structure. On the other hand, if a child is left in the home inappropriately, disastrous results can occur.

WHEN IS IT?

The law requires a temporary custody hearing be held when a petition alleging abuse, neglect, or dependency has been filed on behalf of a child. The temporary custody hearing date is set at the time the case is screened by the Office of the Assistant State's Attorney. If protective custody was taken in order to preserve a child's safety, the law requires the temporary custody hearing be conducted "within 48 hours, exclusive of Saturdays, Sundays, and court designated holidays" from when temporary protective custody was taken.

In cases when protective custody is not taken, the temporary custody hearing date is held approximately three weeks after screening in order to serve notice on the parties.

WHO SHOULD BE PRESENT?

- judge
- parent or parents
- courtroom staff and attorneys
- DCP or private agency investigator
- follow-up caseworker **(Even if the follow up caseworker does not provide any evidence at the hearing, it is imperative for the follow up caseworker to be present in court to meet the family, hear testimony, and participate in plans for possible placement, visits, and service referrals.)**
- children named in the petition who are five years or older
- any adult who would like to be appointed private guardian of the child or minor

OTHERS WHOSE PRESENCE MAY ALSO BE NEEDED ARE:

- extended family members
- law enforcement officers
- service providers
- other witnesses to be called by any of the parties

THE COURT'S EXPECTATIONS OF THE CASEWORKER

The court recognizes the difficult role the caseworker has at this hearing. A child protection investigator has had little time to investigate a family's situation and formulate opinions. On the other hand, an intact family caseworker who has screened in a case is more knowledgeable about a family but may feel conflicted about providing the court with information that could lead to the removal of the child or children from the home.

Specifically, the court expects the caseworker to:

- be familiar with all aspects of the family situation which requires court intervention, including efforts that were made to prevent removal of the child or children from the home;
- be prepared to suggest appropriate and available alternatives for placement of the child or children, including other family members, if it appears that placement outside of the parent's home might be necessary.
- be familiar with all aspects of the family situation and prepared to testify, at a minimum, on all areas listed under "REQUIRED TESTIMONY."

REQUIRED TESTIMONY

The evidence at the temporary custody hearing relates not only to past events, but also to the current situation in the family. Although the evidence must be timely, it must also be accurate, and factually correct. Evidence can be presented by someone who does not have firsthand knowledge. For example, a caseworker may testify not only about what he or she actually saw or heard, but also about what someone else (such as a service provider) said they saw or heard.

Although this list of possible testimony is not intended to be all-inclusive, and not all of these questions will always be asked, caseworkers should be prepared to testify as to:

- all agency efforts made to identify, locate and notify custodial and non-custodial parents about the temporary custody hearing;
- if known, name and address of any parent not present
- facts about the specific condition or conditions requiring court intervention, and the caseworker's opinion about how that condition impacts the welfare of the child or children
- assessment of family strengths and capacity as well as the results of agency risk assessment
- specific services which has either been offered or engaged in prior to the court hearing and how the family responded
- details on prior indicated reports of abuse or neglect, or both, services offered to the family at that time and how the family responded
- whether either parent is willing to provide a safe environment and appropriate care for the child or children, and caseworker's opinion as to whether a willing parent is capable of providing the required care and a safe environment;
- age, stage of development and needs for special services of the child or children
- any services and resources that would allow the child or children to remain safely at home
- recommendations whether any court orders are necessary, including a domestic violence order of protection (see sections on **Orders of Protection** for more information); an order of protective supervision governing parental conduct and agency services (see section on **Orders of Protection** for more information); an order for examinations, evaluations or services
- when appropriate, recommendations for provisions necessary to include in protective order
- when placement outside the home appears necessary, agency efforts made with family to plan for placement of the child or children

- identification of proposed placement for the child or children and results of Child Abuse And Neglect Tracking System (CANTS) and Law Enforcement Agency Data Systems (LEADS)
- details concerning initial visit planned between the child or children and parents (i.e. time, place and date), and if children are to be placed in separate homes, details concerning sibling visits

REQUIRED DOCUMENTS

- investigative reports and supporting documentation relating to the most recent as well as previously indicated reports
- completed risk assessment on family
- documentation of efforts made to provide services to family prior to hearing
- any other documents requested by the State's Attorney's office.

NOTE: The specific documents required for court are the same materials as those required for screening a case with the State's Attorney's office. Once materials have been submitted for screening, the State's Attorney's office provides copies of these documents for the court and all parties.

(Revised 11/27/01)

B. COURT FAMILY CONFERENCE

WHAT IS IT?

The COURT FAMILY CONFERENCE is a non-adversarial problem-solving conference intended to reduce the length of time a family is involved in the courts. This conference is conducted in the courtroom of the calendar to which it has been assigned, and is chaired by the Judge. It occurs only in Cook County.

At the court family conference the parties review and discuss the service plan and the services that have been offered and provided to date. The parties may agree to amend the service plan or the court may make recommendations to DCFS or its assigns regarding amendments to the plan. If the child or children have been removed from home and placed in temporary custody, the Judge will likely review the results that the court expects to see prior to making decisions regarding the return home. If the child or children have remained at home under an order of protection, the Judge may review the results the court expects in order to close the court case or cases. The Judge may also set a target date for return home of the child or children or case closure.

If the court determines that setting a target date for return home or case closure is not possible or is premature, the Judge will make clear to the parties and to the caseworker what needs to be accomplished before the court will consider setting a target return home date. The Judge will set out clear time frames in which the court expects the parties and the caseworker to accomplish what must be done.

WHEN IS IT?

Generally, the court family conference is conducted fifty-five (55) days after the temporary custody hearing (T.C.). The specific date and time of the court family conference is set at the T.C. (See attached "Notice to Parents of Court Family Conference", which is given either to a parent at the conclusion of the T.C. or to the caseworker when a parent is not present.) The court family conference will be conducted whether or not parents are present, and regardless of whether parents are in services.

A court family conference will not be conducted if a petition to terminate parental rights is pending, or it may not be conducted if criminal charges (arising out of the same facts that brought the case to juvenile court) are pending against one of the parties. In cases in which there are allegations of physical or sexual abuse and the alleged perpetrator was the custodial parent or parents but no criminal charges are pending, the decision to proceed with the court family conference is at the discretion of the Judge.

WHO SHOULD BE PRESENT?

- judge
- parents
- attorneys representing the parties
- assigned caseworker or caseworkers for child or children and family
- relatives with legal standing or other custodial adults

OTHERS WHO MAY BE PRESENT (at the discretion of the judge):

- the child or children
- foster parent or parents
- extended family members
- support person to parent or parents
- court facilitator
- other DCFS or agency personnel

COURT'S EXPECTATIONS OF THE CASEWORKER

The court recognizes that the court family conference can be essential to a family's reunification. Therefore, it is important for the caseworker to strongly encourage the parents' attendance at this court event. Further, it is essential for the caseworker to be completely familiar with a family and the family's service needs.

Specifically, the court expects the caseworker to:

- ensure that the client service plan is prepared and filed with the court within 45 days of placement;
- bring at least one copy of the client service plan to the hearing and any other documents applicable to the case;
- be familiar with the specific services that have been identified as needed or offered to date, and the current status of family members' participation in those services and any other recommended services;
- understand the reason or reasons that required court involvement, and what the parent or parents are expected to do to correct the conditions that are requiring continued placement of the child or children away from home;
- be knowledgeable about the service plan, including steps that have been implemented and anticipated dates for starting and finishing future services; and
- be familiar with all aspects of the family situation and prepared to testify, at a minimum, on all areas listed under **REQUIRED TESTIMONY**.

REQUIRED "TESTIMONY" (OFF-THE-RECORD)

Although this list is not intended to be all-inclusive, and not all of these questions will always be asked, caseworkers should be prepared to testify as to:

- the family's strengths, particularly those that will help in the effort to prepare for return home of the child or children
- supports available to the family
- how and where within the service plan the issues that brought the case to court are addressed
- efforts made to locate the parents, assess service needs and offer services
- the specific services that have been offered to the parent or parents and progress made in those services
- the service needs of the child or children, specific services offered and whether the services are in place, and recommendations of service providers
- the extent of parent/child and sibling visits to date and anticipated progress
- a target date for return home of the child or children, or case closure (if appropriate)

REQUIRED DOCUMENTS

The Juvenile Court Act specifies that whenever a child is placed in substitute care, the department or agency must prepare and file with the court a service plan within 45 days of placement. The court expects to have received this service plan, and that all parties have received this service plan, prior to the court family conference. It is important that this service plan includes a visiting plan for the child or children, parents and siblings and contains detailed and specific information.

However, even if the case plan has not been filed, the court will proceed with the court family conference and the court expects the caseworker to be present and participate in the conference.

As a result of the court family conference, changes to the service plan may be required. If agreement is reached at the conference on the changes necessary, the changes may be written on the service plan at the conference, initialed by the family, and copies of the amended plan will be distributed to the parties.

(Revised 01/16/02)

C. ADJUDICATORY HEARING

WHAT IS IT?

The ADJUDICATORY HEARING is the trial. At this hearing, the court determines whether the evidence supports the allegations contained in the petition. At adjudication the assistant

state's attorney, who previously filed the petition containing specific allegations, is required to prove the allegations contained in the petition for adjudication of wardship. Generally, the petition includes more than one allegation and each allegation must be proven by a preponderance of the evidence (that is, the allegations are more likely to be true than not).

At adjudication the court looks back to the original circumstances that required court intervention and determines whether the child is abused, neglected, or dependent.

The adjudicatory hearing is different from other child protection hearings because strict rules of evidence must be followed. This means that hearsay evidence is not allowed. Generally all evidence must be based on the personal knowledge of the witness who is testifying.

WHEN IS IT?

The adjudicatory hearing is conducted approximately 90 days from when the child's parents, legal guardian or legal custodian received notice about the allegations requiring court involvement. However, delays can and do occur. For example, if newspaper publication to a parent was required but did not occur, the hearing must be postponed. Or, a parent may appear in court for the first time at adjudication and require appointment of an attorney; an attorney will require time to become familiar with the case. The statute allows the court to continue the hearing once for not more than 30 days, and only for good cause.

WHO SHOULD BE PRESENT?

- judge
- parents
- any adult legally appointed as child's guardian or other custodial adults
- courtroom staff and attorneys
- assigned caseworker(s)
- subpoenaed witnesses

OTHERS WHOSE PRESENCE MAY ALSO BE NEEDED ARE:

- age appropriate children
- extended family members
- law enforcement officers
- service providers

COURT'S EXPECTATIONS OF THE CASEWORKER(S)

At the adjudicatory hearing generally all of the evidence will be limited to the past; only evidence that relates to the situation and to the events that occurred prior to court involvement will be presented.

If the hearing is uncontested (material facts are not disputed), a written stipulation of facts or an admission made by a parent, legal custodian or guardian will be submitted to the court. The court must then inquire and determine whether the party making the admission understands the content and consequences of making any stipulations or admissions. If the hearing is contested (opposed or disputed), it is the responsibility of the State's Attorney's Office to present evidence to the court on each and every allegation it wishes to prove. The assistant state's attorney will present the case through witnesses or documents, or both. The other parties will be given an opportunity to present evidence that rebuts or contradicts the evidence presented by the State's Attorney's Office. It is possible for the court to allow the petition to be amended either before or immediately after the adjudicatory hearing to include additional allegations to those originally contained in the petition. The allegations provide the basis for the court to hear evidence and make findings based on that evidence.

At the conclusion of all of the evidence in either a contested or uncontested hearing, the court must determine which, if any, of the allegations were proven by a preponderance of the evidence and enter its findings and conclusions. If the court finds that the facts are not sufficient to prove the allegations, then the court must dismiss the case and return custody of the child to the parents, legal guardian or custodian. This officially ends the case. However, if the court finds that the assistant state's attorney has proven at least some of the allegations, then, findings will be entered for those allegations. Any allegations not proven will be dismissed. The amount and type of evidence required at adjudication will vary by case. For example, a caseworker or investigator will be asked to provide very little testimony when a hearing proceeds by way of stipulation. However, when the hearing is contested, the caseworker or investigator may be asked to provide testimony on each aspect of the case that must be proven to allow the judge to decide whether a child has been abused or neglected or is dependent.

Even though the focus at the adjudicatory hearing looks back in time, the results of the hearing significantly impact the future of the child or children and family involved. At the conclusion of the hearing the court will make certain decisions or findings based on the evidence presented. The findings made by the court about the precise nature of the abuse, neglect or both that occurred lay a foundation for future case planning. These findings identify the problems that must be corrected to allow the child to remain safely in the home or to be safely returned home, provide casework direction in devising a service plan for the family and provide a benchmark for determining whether parents have adequately responded to the problems requiring court intervention.

REQUIRED TESTIMONY

At adjudication the source of the evidence the court receives is limited to those people who have direct knowledge of the event. For example, a caseworker or investigator may testify as to what he or she actually saw; but a caseworker or investigator usually may not testify as to what

someone else said they saw. There are exceptions to this evidentiary rule; the most commonly used exception allows medical records to be introduced into evidence.

Although this list of possible testimony is not intended to be all-inclusive, and not all of these questions will always be asked, the caseworker or investigator should be prepared to testify as to:

- all agency efforts made to identify, locate and notify custodial and non-custodial parents
- facts supporting allegations in petition
- arrangements for on-going parental and sibling visits, including any recommended conditions (e.g. supervised visits, etc.)

REQUIRED DOCUMENTS

The following is a partial list of documents that a caseworker should have submitted either prior to or at the time of the adjudicatory hearing:

- a case plan;
- all documents completed concerning the assessment as to the need to seek protective temporary custody and/or to screen the case into court or both; and
- all documents concerning caseworker's contact with the family prior to the temporary custody hearing.

(Revised 9/27/01)

D. DISPOSITIONAL HEARING

WHAT IS IT?

At the DISPOSITIONAL HEARING the court determines whether a child can remain home or return home at this time, whether the child should be placed under the guardianship of a person (or persons) other than a parent, and whether the child should be adjudged a ward of the court. A dispositional hearing will be conducted when the court has made findings at adjudication that the child is abused, neglected, or dependent.

If the court determines at the dispositional hearing that the child should be adjudged a ward, the court must then determine what arrangements should be made on behalf of that child. Possible arrangements include allowing a child to remain at home or returning a child home under an order of protection, emancipating the child, or appointing a guardian (either a private guardian or the DCFS guardianship administrator) on behalf of the child.

In deciding whether to allow a child to remain at home or return a child home at the dispositional hearing, the court will review the findings made at adjudication and determine

whether progress made in resolving the conditions that led to the court findings has been sufficient for the child to remain or return home at this time. If so, then the court must determine whether it is in the child's best interest to remain or return home. If the court finds both that sufficient progress has been made and that it is in the child's best interest, and that the parent is fit, willing, and able to care for, protect and train the child, then the court will allow the child to remain or return home.

However, if the court determines that conditions do not allow the child to remain or return home at this time, then the court must decide whether the child could be emancipated, or whether the child requires further placement. If placement is required, the court must find that the parent, guardian or legal custodian is unwilling, unfit, and/or unable (for a reason other than financial circumstances alone) to care for, protect, train, or discipline the child. It is not necessary to find a parent unwilling, unable and unfit – a finding of only one is required. A finding of unfitness will require that a fitness hearing be conducted prior to returning a child to that parent's care.

Unlike the limited evidence allowed at the adjudicatory hearing, all evidence relevant to the best interest of the child and helpful to the court's decisions is allowed at the dispositional hearing.

If wardship is ordered and the child remains in substitute care with guardianship to the DCFS guardianship administrator, at the conclusion of the dispositional hearing the court sets the date for the first permanency hearing.

WHEN IS IT?

The dispositional hearing is conducted approximately 30 days following adjudication. However, delays can occur for a variety of reasons, including the need for special reports addressing issues of placement, visits and services. The statute allows the court to continue the dispositional hearing once for no longer than 30 calendar days.

Sometimes the dispositional hearing will occur on the same day as, and immediately following adjudication. However, these two hearings have very different functions and usually the dispositional hearing is conducted on a later date. (When dispositional matters are heard on a later date, it allows the court to receive and properly review written reports, evaluations and recommendations needed for disposition. These documents typically contain hearsay information, which is not allowed at adjudication, but it is acceptable at the dispositional hearing.)

WHO SHOULD BE PRESENT?

- judge
- parents
- any adult legally appointed as child's guardian, or other custodial adults

- courtroom staff and attorneys
- assigned caseworker
- subpoenaed witnesses

OTHERS WHOSE PRESENCE MAY ALSO BE NEEDED ARE:

- foster parent or parents and relative caretaker or caretakers
- age appropriate children
- extended family members
- law enforcement officers
- service providers

COURT'S EXPECTATIONS OF THE CASEWORKER

The dispositional hearing is aimed at what is currently in the child's best interest, and it requires the caseworker to:

- be familiar with all aspects of the family situation that required court intervention, including services that have been offered and completed prior to the hearing;
- be able to articulate recommendations and a basis for them on whether a child should remain or return home or continue out-of-home placement;
- ensure that all required documents have been submitted to the court and all parties prior to the hearing; and
- be prepared to testify, at a minimum, on all areas listed under “required testimony.”

REQUIRED TESTIMONY

At the dispositional hearing all evidence that will assist the court is allowed. This will include evidence related to the family situation and events that occurred prior to court involvement, as well as evidence related to events that have occurred since the family became court involved. Although the evidence can cover a wide time frame, it is important to remember that the evidence provided at the dispositional hearing relates to the problems identified and proven at the Adjudicatory Hearing.

The amount and type of evidence required at the dispositional hearing will vary by case. For example, a caseworker might be asked to provide very little testimony when the hearing proceeds by agreement (the parties agree as to the outcome). However, when the hearing is contested (the parties disagree either about the outcome or a portion related to the court's findings), the caseworker may be asked to provide substantial testimony.

Although this list of possible testimony is not intended to be all-inclusive, and not all of these questions will always be asked, caseworkers should be prepared to testify as to:

- clear factual statement of family problem or problems requiring court intervention and the

impact of identified problem or problems on child's welfare

- specific services offered to or engaged in by parents
- details concerning any or all evaluations completed on parents, child or children, caretakers, and recommendations made
- details concerning current placement of child or children
- child or children's needs for special services
- details concerning visits with siblings and parents and recommendations as to changes in visits
- recommendations for guardianship and basis for recommendations made

If the recommendation is to allow the child or children to return to or remain home, the caseworker should be prepared to provide a description of services offered and have successfully completed a plan for transition from the current placement.

If the recommendation is to allow the child or children to be removed from or remain out of the home, the caseworker should be prepared to provide a description of efforts made to avoid the need for placement and an explanation why they were not successful.

REQUIRED DOCUMENTS

The following documents should have been submitted to the court and all parties prior to the dispositional hearing:

- a statement of family changes necessary to correct the problem or problems necessitating court intervention, with time frames for accomplishing them;
- a description of services to be provided to assist family;
- a description of actions to be taken by parents to correct the identified problems;
- any or all evaluations completed on behalf of any of the parties;
- case plan that was reviewed at an administrative case review or approved by a caseworker's supervisor; and
- any other documents or reports requested by the court (for example, a Supplemental Social Investigation is often required by the court).

(Revised 8/20/01)

E. PERMANENCY HEARING

WHAT IS IT?

The PERMANENCY HEARING is a court hearing conducted within a year of removing a minor from home and every six months thereafter for as long as the child remains in substitute care.

At the permanency hearing the court reviews evidence on the progress made toward returning a child home. If it appears that the parents are not working to correct the conditions necessitating the placement of the child, the court reviews other permanency options for the child beginning with the possibility that offers the most permanence (e.g. adoption) before considering other alternatives (e.g. substitute care pending independence). The court must select one of eight goals authorized by the Juvenile Court Act.

Permanency hearings are different from and should not be confused with administrative case reviews (ACRs). ACRs are conducted by a DCFS reviewer without court involvement. ACRs are conducted within 90 days following the temporary custody hearing (T.C.), again within six months after the T.C. hearing, and every six months thereafter until the child is returned home or achieves another permanency status.

At permanency hearings, which are conducted at court by either a judge or hearing officer, the court reviews and determines:

- the permanency goal;
- the appropriateness of the services contained in the service plan;
- whether the services contained in the plan have been provided;
- whether reasonable efforts have been made by all the parties to the service plan to achieve the goal; and
- whether the plan and goal have been achieved.

At the conclusion of the permanency hearing, the court sets a goal and a planned achievement date of the permanency goal. All services must support the goal set by the court. Once the court has set a permanency goal, only the court can change the goal.

WHEN IS IT?

The first permanency hearing must be held no later than 12 months from the date of T.C. and every six months thereafter for as long as the child remains in substitute care. A judge must conduct the first permanency hearing, but a hearing officer may conduct subsequent hearings. Permanency hearings may occur more frequently than every six months if the court believes it is necessary.

WHO SHOULD BE PRESENT?

- judge or hearing officer
- any person ordered by the court to be present

- attorneys representing parties
- assigned caseworker or caseworkers for the child or children and family
- age appropriate children
- parents
- relatives with legal standing or other custodial adults
- foster parent or parents and relative caretaker or caretakers

OTHERS WHOSE PRESENCE MAY ALSO BE NEEDED ARE:

- previous caseworker
- caseworker's supervisor
- extended family members
- prospective adoptive parents
- probation or parole officer
- other service providers
- DCFS court facilitator

COURT'S EXPECTATIONS OF THE CASEWORKER

Although the permanency hearing itself is aimed at the child's future, it is based primarily on the past. This dual perspective requires the caseworker to be thoroughly familiar with the facts of a case and the details concerning services – all of which may have preceded a caseworker's involvement with a family by months or even years.

Specifically, the court expects the caseworker to:

- meet with the family and prepare a client service plan;
- ensure that an administrative case review is scheduled and conducted routinely every six months;
- ensure that the most recent client service plan is submitted so that it is received by the court and all parties (including all attorneys of record) not less than 14 days prior to the scheduled permanency hearing;
- bring a copy of the most recent client service plan and any other required or requested documents to court for the hearing;
- be familiar with all aspects of the case and prepared to testify at the hearing on all areas listed under "required testimony."

REQUIRED TESTIMONY

Although this list is not intended to be all-inclusive, and not all of these questions will always be asked, caseworkers should be prepared to testify about:

- factual statement of condition or conditions originally requiring court intervention

- how the services contained in the plan are related to the condition or conditions originally requiring court intervention, and whether the condition or conditions have been corrected
- specific services offered to parents to correct condition or conditions; whether services were successfully completed and if not, why; progress made in services
- history of child's placements, including number of different placements, length of time in each and reason for placement change
- details concerning child's current placement - i.e. where placed, how long there, belief as to safety and appropriateness of placement for the child
- child's needs for special services
- details concerning visits with sibling and parents, including frequency and impact on child
- child's wishes concerning permanent placement
- foster parent's wishes concerning permanent placement, specifically adoption
- recommendation or recommendations for child's permanent placement, and the facts relied on in making this recommendation
- a date by which it is believed that the goal can be achieved

NOTE: Permanency goals must be considered sequentially. All goals earlier in the sequence must be ruled out before a later goal can be selected. For example, a goal of "private guardianship" cannot be selected until and unless goals of "return home," "substitute care pending court determination on termination of parental rights" and "adoption" have been ruled out.

PERMANENCY RECOMMENDATIONS

When recommendation is - Return Home Within 5 Months or Within 1 Year:

- facts and circumstances supporting grounds for this recommendation
- safety issues that should be addressed prior to the child's return home
- reunification services needed to address the safety issues after return
- steps being taken to achieve goal and to minimize the disruptive effects of return on the child and family (for example, assisting in getting child transferred to a new school)

If return home is not recommended, discussion regarding Substitute Care Pending Court Determination on Termination of Parental Rights:

- why return home was ruled out

- facts and circumstances supporting recommendation for termination of parental rights
- child's wishes and intent of current caretaker or caretakers regarding adoption
- steps being taken to bring action to terminate parental rights

When recommendation is - Adoption:

- specific steps being taken to complete adoption on a timely basis
- facts and circumstances leading to the selection of this goal and why it is appropriate for the child

When recommendation is - Private Guardianship:

- why return home and adoption were ruled out
- facts and circumstances leading to the selection of this goal and why it is appropriate for the child
- plan to ensure long-term stability of placement
- recommendation concerning the continuing rights and responsibilities of the biological parents
- steps being taken to establish the private guardianship

When recommendation is - Substitute Care Pending Independence:

- facts and circumstances showing why another goal (i.e. return home, adoption, or private guardianship) is not appropriate for the minor at the same time that independent living services are being provided
- when the minor is 16 years or older, a description of specific skills necessary for child to prepare for adulthood, and a description of services to be provided by the agency
- plan for on-going visits with parents and siblings

When recommendation is - Substitute Care, Home Environment Not Appropriate:

- why return home and adoption were ruled out
- facts and circumstances surrounding the child's special needs or condition that dictate the need for this goal
- any prognosis for the future that might change or impact this goal
- consideration as to whether the child will require the appointment of an adult guardian in the near future

REQUIRED DOCUMENTS

The Juvenile Court Act requires that certain documents and information be available for the permanency hearing:

- The most recent service plan that has been prepared within the prior six months (signed by supervisor) and received by the court and all parties at least 14 days prior to the hearing. (Note: For purposes of permanency hearings, the client service plan does not have to have had an administrative case review. A current service plan, not more than six months old and signed by a caseworker's supervisor, satisfies the statutory requirement.)
- If not contained in the plan, the agency should include a report outlining any special physical, psychological, educational, medical, emotional or other needs of the child or family relevant to a placement or permanency determination
- If not contained in the plan for any child 16 years or older, the agency should include a report containing a written description of the programs and services that will enable the child to prepare for independent living
- The court or the parties may request, or the agency may provide, any other documents relevant to the permanency hearing, which may include but not be limited to: social histories, medical and psychological evaluations, child placement histories and therapy reports, visitation records; documentation relating to services engaged in by parents, including but not limited to, therapy reports, drug testing and drug treatment records.

(Revised 04/4/02)

F. TERMINATION OF PARENTAL RIGHTS

WHAT IS IT?

The purpose of terminating parental rights is not to punish a parent, but to provide a child with a permanent and responsible caregiver when return home to the parent or parents is not possible. In order for a child to be adopted, the court must terminate parental rights.

Termination of parental rights permanently ends the legal relationship between a parent and his or her child. This includes:

- terminating the parent's right to custody, visitation and control of the child and the right to be notified of court proceedings or other governmental actions affecting the child; and
- ending the child's right to visit, have contact or live with the parent, and any duties the child may have to the parent or parents; and
- terminating the relationships between the child and other family members related through the parent whose rights were terminated; this includes legal relationships between the child and siblings, grandparents, aunts and uncles.

Following termination of parental rights, a child may continue to have contact with birth family members prior to adoption if the child's guardian agrees, or following an adoption if the adoptive parents agree.

HOW DOES IT HAPPEN?

Parental rights may be terminated by the court following either a voluntary or involuntary termination. A voluntary termination occurs either by consent or by surrender. When a parent has voluntarily terminated his or her parental rights by either consent or surrender, the court may then sign an order appointing a guardian with the power to consent to the adoption of the child. A consent or surrender does not in itself terminate parental rights; only a court order can terminate those rights.

There are two forms of consent: a general consent and a specific consent. A general consent allows the child to be adopted by an unspecified person, and a specific consent names the person or persons who may adopt the child. Specific consents are the most commonly used in the Child Protection Division. Parents specifying who may adopt their child, who is a ward of the court, can only name persons who meet the statutory requirements as outlined below in the

COURT'S EXPECTATIONS OF THE CASEWORKER.

If the specified person or persons does not file a petition to adopt the child within one year from when the consent is signed, the specific consent is voidable. This means that the parent must bring a timely motion to revoke the consent. Once a specific consent is void, either the parent or parents must sign a new consent or surrender, or a proceeding for an involuntary termination of parental rights must be brought in order to proceed with an adoption. Unlike specific consents, a general consent does not expire.

A surrender is a document through which the parent surrenders all rights to his or her child to an agency that will place the child for adoption with a person or persons of the agency's choice.

Even if a parent does not agree, the court may still terminate a parent's rights to parent his or her child. This involuntary termination of parental rights may be entered against one or both parents. It occurs following a judicial proceeding in which the court determines that a parent is unfit and that it is in the child's best interest to terminate parental rights. This judicial proceeding must be done as a two-step process and always in the same sequence. In the first step, the court determines whether a parent is unfit, based on the grounds listed under Section 1 of the Adoption Act, 750 ILCS 50/1D (a) - (t). (There are a total of 24 grounds, or definitions, of unfitness.) Only after the first step is completed and the court has determined that a parent is unfit based on one or more of the statutory definitions may the court go forward with the second step which is to determine whether terminating parental rights is in the child's best interest. The court cannot consider evidence of whether adoption would be in a child's best interest until it has been proven, by clear

and convincing evidence (i.e. no serious doubts about the truth of the allegation) that one or more grounds of unfitness exist.

An involuntary termination occurs in court as a result of a petition to terminate parental rights being filed and successfully prosecuted by the State's Attorney. A separate petition must be filed for each child for whom the State is requesting termination of parental rights. A petition to terminate parental rights is generally filed after there has been a finding of abuse, neglect or dependency and the minor has been adjudicated a ward of the court. A petition may allege several grounds of unfitness, but only one ground of unfitness needs to be proven to find a parent unfit.

THE COURT'S EXPECTATIONS OF THE CASEWORKER

The caseworker has an important role in termination of parental rights proceedings. This is true in both voluntary and involuntary terminations.

VOLUNTARY TERMINATIONS

When a parent is considering signing a consent, the caseworker should consider the legal status of the other parent. For example, if a diligent search has been conducted and the other parent has not been located, or other parent is deceased, identity is unknown, or he or she has already signed consents, it would appropriate to take a surrender, general consent, or a specific consent. However, if it is known that the other parent is contesting termination and termination proceedings have not yet started, taking a specific consent may not be advisable until it is likely that a decision will be reached within 1-year on the other parents' termination. However, taking a surrender or general consent would be appropriate.

When a parent is considering signing a specific consent, the caseworker must ensure that the statutory residency requirements for the child are met, i.e., the child has lived in the potential adoptive home for at least one year or if under 6-months of age, in the home for at least three months. There is an exception to these requirements: if one sibling has been in the potential adoptive home for at least 6-months, the other sibling who moved into the same home need only be currently residing there – there is no minimum residency requirement. The caseworker must also meet with the identified person to determine whether he or she is an appropriate choice, willing and able to adopt the child and whether that person understands the obligations and finality of adoption.

If and when a parent decides that he or she would like to sign a specific or general consent or surrender, the caseworker should arrange with his or her agency, DCFS, or the court to take the voluntary termination from the parent.

INVOLUNTARY TERMINATION

When an assistant state's attorney files a petition to terminate parental rights, a series of court dates and events are set in motion leading up to the termination hearing. Initial court dates involve ensuring proper notice to parties and foster parents; appointing legal representation as needed; and ensuring that all parties have submitted and read discovery (i.e. written or oral information related to the court case). Caseworker appearance at these court dates enables the court to obtain needed information on a timely basis. The caseworker must be thoroughly familiar with all aspects of the family's case. Caseworkers should come prepared to court with:

- any information about the parents' current whereabouts or their last known addresses. This information should be obtained ahead of time by performing diligent searches, including jail checks, criminal background checks, and contacting family members or other people that may have knowledge about the parents' locations.
- signed foster parent waivers, if the foster parents are not present. Every foster parent for every child for whom a supplemental petition for appointment of a guardian with the right to consent to adoption has been filed must sign waivers. If foster parents are married, both spouses must sign the waiver. The caseworker must be present to witness the signing of the waivers, as well as explain to the foster parent or parents their right to be present at any and all court termination proceedings.
- proof of contact with the putative father registry for each child.
- current placement information for each child, such as whether a family meeting (which included an adoption specialist) was recently conducted; whether the home is pre-adoptive, and if not, the prospects for an adoptive home; whether a back-up plan has been identified in appropriate circumstances, and whether the child was to be adopted.

After several court dates, the court will set the case for trial, which is the termination hearing. The trial conducted is done in two steps. In step one; the court determines whether the parent is unfit based on one or more of the statutory definitions. In this portion of the hearing, the evidence will be limited to the parent's behavior. This can involve an extensive period of time, and the caseworker may be asked to provide substantial testimony.

Although this list of possible testimony is not intended to be all-inclusive, and not all of these questions will always be asked, caseworkers should be prepared to testify about:

- clear factual statement of family problems requiring court intervention and the impact of identified problems on child's welfare;

- clear factual statement of parental actions or inactions that form the basis for the unfitness allegation(s);
- specific services offered to and engaged in by each parent;
- progress in services made by each parent;
- details concerning all evaluations completed on each parent and recommendations made; and
- details concerning visits between each parent and the child or children.

If the court determines that a parent is unfit, then in step two of the termination hearing, the court decides whether terminating parental rights is in the child's best interest. In this best interest portion, the evidence focuses on the child.

Again, although this list of possible testimony is not intended to be all-inclusive, and not all of these questions will always be asked, caseworkers should be prepared to testify about:

- details concerning the child's current placement;
- details concerning all evaluations completed on child and caretaker or caretakers, and recommendations made;
- child's needs for special services; and
- child's relationship with the parent or parents.

(Revised 11/27/01)

G. MOTION

When a party would like the court to take a specific action in a case, the party makes that request by a motion. A motion may be oral or written and may occur at any stage in child protection court proceedings. Generally written motions are preferred over oral motions because of the advance notice they provide which allows the parties time to prepare a response. A written motion must be filed with the Clerk of the Circuit Court and copies of the motion are delivered to all parties involved in the case.

The party making the motion has the burden of persuading the court to take the action requested in the motion. The evidence needed to support the motion may be in the form of testimony or documents.

The court may take action on its own motion when it is supported by the evidence even if none of the parties have requested any action.

Examples of motions regularly heard in the Child Protection Division, which rely heavily on caseworker testimony are: motions for visits, motion for return home, motion to extend an order of protection and motion to terminate wardship.

The type and amount of testimony required will depend on the type of motion filed. Generally, the court will expect caseworkers to present facts either in support of or in opposition to the relief asked for in the motion. For example, in a motion for return home, the caseworker should be prepared to testify about each parent's progress in services, ability to care for the child or children, living situation, etc.

(Revised 11/27/01)

H. PROGRESS REPORT

A progress report informs the court and all parties about the progress being made in a case. The report may be oral or written. Generally it is viewed as a report on social work issues, such as a parent's progress in participating in certain services or compliance with an order of protection; a caseworker's progress in completing the necessary paperwork for an adoption subsidy or in obtaining a school report on behalf of a child; or progress on achievement of the permanency goal. A progress report can be given at any stage in child protection court proceedings.

(Revised 11/27/01)

I. STATUS REPORT

Sometimes a status report is used interchangeably with progress report. However, a status report often involves a legal matter such as status on service to a parent, status on compliance with a court order, etc. It may require that an attorney, not a caseworker, report to the court on a matter. Most often a status report is given orally in court, but the court may request that specific documents accompany the oral report. Like a progress report, a status report can be given at any stage in child protection court hearings.

(Revised 11/27/01)

VI. ORDERS OF PROTECTION

Three types of orders of protection are regularly issued by Judges in the Child Protection Division: 2-20 Continuance Under Supervision Order, 2-24 Order of Protective Supervision, and a 2-25 Order of Protection. All of these court orders set specific limits (either to do or refrain from doing something) on the behavior of the person or persons against whom the order is directed, in an effort to protect the child and promote the child's best interest. The authority to enter each of these orders comes from specific sections of the Juvenile Court Act, 705 ILCS 405/2-20, 705 ILCS 405/2-24, and 705 ILCS 405/2-25, which is how they have come to be referred to as a "2-20 Order", a "2-24 Order", and a "2-25 Order".

A fourth order of protection, which is becoming more frequently used in the Child Protection Division, is the "Illinois Domestic Violence Order of Protection." This order is entered under the Domestic Violence Act and therefore, it must meet the requirements of that Act rather than the Juvenile Court Act. Once a Domestic Violence Order is signed by a judge, the order is entered into a computerized statewide system for use by law enforcement professionals.

2-20 Continuance Under Supervision

A "2-20 Order" may be issued against the parent or parents, legal guardian, or custodian identified in the petition for adjudication of wardship and allows the child or children to remain or to return home. The Judge may enter this order at any time from the time of the temporary custody hearing up to entering finding(s) of abuse, neglect or dependency at adjudication.

The "2-20 Order" may be entered when a parent accepts responsibility for the conditions that led to the charges of abuse, neglect and dependency and admits or stipulates to the facts underlying the allegations in the petition. The parent must also demonstrate a strong commitment to correct the conditions and the ability to succeed in this commitment. Although not all conditions have been corrected when this order is used, there must be satisfactory evidence that the child or children can be safely returned or remain at home with this order of protection in place.

The advantage of a "2-20 Order" is that the child or children may live with his or her family during the period of time the order is in effect. An additional benefit is that when the order is no longer in effect (i.e. the end of the period of continuance), the petition may be dismissed without a finding of abuse, neglect or dependency entered against the parents.

If a party believes that there has been a violation of a "2-20 Order," the statute requires a petition to be filed charging a violation of a condition of the continuance under supervision. The court will then conduct a hearing concerning that violation. This petition can be written and filed by any attorney involved in the case (i.e. the assistant state's attorney, an assistant

public defender, an assistant public guardian, a DCFS attorney, or any attorney from the private bar who is representing a party). If the court finds that a violation occurred based on the evidence presented at the hearing, the court may enter the findings based on the admission for stipulation, order temporary custody be taken, and appoint a temporary custodian.

2-24 Order of Protective Supervision

A "2-24 Order" may be issued against the parent or parents, legal guardian, or custodian named in the petition for adjudication of wardship. However, the judge can only enter this order after an adjudication of wardship, i.e., either at the conclusion of the dispositional hearing or at some later hearing.

Similar to the "2-20 Order", the "2-24 Order" allows the court to return a child to a parent, legal guardian or custodian under court supervision. A "2-24 Order" may be entered when the parent or parents have made substantial progress toward correcting the condition(s) that brought the family before the court, but the family is not yet at the point where the court can close the case.

If a party believes that the person against whom the "2-24 Order" is directed has violated the order, a motion should be filed and a court hearing conducted. This motion can be written and filed by any attorney involved in the case. If the Judge finds that a violation occurred based on the evidence presented at the hearing, a number of remedies are available to the court, including removing the child from the home and appointing DCFS or a private guardian.

2-25 Order of Protection

A "2-25 Order" may be entered against any person at any time during the life of a court case when it is in the best interest of the child to do so. It can be issued regardless of who has custody or guardianship of a child. It can be issued either on its own, or in connection with any other order.

If a party believes that the person against whom the order is directed has violated the order, a motion should be filed by any attorney involved in the case. A court hearing will be conducted and evidence presented to determine whether the order has been violated and if so, how the matter should be resolved.

Illinois Domestic Violence Order Of Protection ("DVOP")

Even though authority for this order comes from the Domestic Violence Act, this protective order may be entered by Child Protection Division judges when there are issues involving domestic violence in a child protection case. It is appropriate to enter a DVOP when either the custodial parent or the child is subject to abuse by the other parent, some other family or household member, or a paramour of the parent, and the custodial parent cannot protect herself (or himself) or the child without the help of the police. In order to enter a DVOP, the custodial

parent must provide personal and detailed information about the alleged abuser (i.e. height, weight, eye color, birth date, address, etc.), and testify in court about the facts supporting the request for a DVOP.

A DVOP can identify specific requirements (such as times in effect, places to avoid, distances to keep) with which the person against whom the order is issued must comply. Any violation of a DVOP can result in immediate arrest.

One advantage of the DVOP is that the Office of the Clerk of the Circuit Court immediately enters the DVOP into the Law Enforcement Agency Data System (LEADS) for enforcement by any police officer in the state. The protection that this order offers may allow a child, who otherwise would experience foster care placement, to remain with the custodial parent.

(Revised 11/27/01)

VII. LEGAL TERMS

ACTION A suit brought in a court of law.

ADJUDICATION (Also known as adjudicatory hearing or trial) The stage in a case when the judge receives evidence about the original circumstances requiring court intervention and determines whether the allegations of abuse, neglect or dependency contained in the petition are supported by the evidence.

ADMISSION A voluntary acknowledgment made by a party of certain facts.

ASA (assistant state's attorney) The assistant state's attorney represents the interests of the people of the State of Illinois in prosecuting all aspects of a case in the Child Protection Division. The assistant state's attorney determines whether a court case should be filed. After filing, the assistant state's attorney has the burden of going forward with the evidence and of proving that a child is abused, neglected or dependent.

BAR ATTORNEY An attorney in private practice who is appointed by the judge to represent either an indigent parent or a child when there would otherwise be a conflict of interest for either the Office of the Public Defender or the Office of the Public Guardian to accept appointment. For example, in a situation where the child's mother is accusing the child's father of abuse, the court will appoint the public defender to represent one of the parents and a bar attorney to represent the other.

BURDEN OF PROOF Generally, in child protection cases, the state's attorney has the burden of going forward with the evidence and proving the case either by a preponderance of the evidence, or in a termination of parental rights hearing, by clear and convincing evidence. However, if another attorney files a motion on behalf of a party, that attorney has the burden of presenting evidence to persuade the court to take the desired action. The burden of proof shifts back and forth among the parties. (See also: STANDARD OF PROOF.)

CALENDAR A group of cases. Currently there are fifteen child protection calendars. The Child Protection Division calendars begin with number 1 and are designated by a number less than fifty.

CALL The cases assigned to be heard on any given calendar on any given day.

CALL SHEET The printed list of those cases scheduled to be heard on a calendar on a particular date, which is posted on the bulletin board in each courtroom waiting area.

CHILD PROTECTION WARRANT A document issued by the court that allows the authorities (i.e. police officer, Cook County Sheriff) to take the juvenile named in the warrant into custody wherever and whenever the minor is found. In order for the court to issue the warrant, the court must find that there is a risk to the safety of the child.

CONSENT A document through which a parent voluntarily relinquishes his or her parental rights freeing the child for adoption. There are two types of consents:

Specific consent allows the parent to designate who adoptive parent or parents will be. A specific consent is voidable if the designated adoptive parent or parents do not file a petition for adoption within one year from the date the consent is signed. The natural parents, however, must file a motion to revoke the consent.

General consent or **surrender** is the unconditional agreement of a parent to voluntarily relinquish his or her parental rights freeing the child for adoption. If the child is a ward of DCFS, the guardianship administrator is generally given the power to designate the adoptive parent or parents and consent to the adoption.

CONTINUANCE The adjournment or postponement of a court hearing to another time. The court enters a continuance order, which sets the next date and time that a case will be in court.

COURT FAMILY CONFERENCE An off-the-record conference held by a judge approximately 55 days after the temporary custody hearing. The purpose of the conference is for the parties and the caseworker to understand what problems the court expects to be corrected and the time frame for correcting the problems in order for a child to be returned home, or for a case to be closed. The parents, the caseworker, and the attorneys for all the parties must attend. If it is appropriate, the child should also attend. Service providers who are working with the family and any individuals invited by a parent to provide support (for example, a relative, friend, foster parent, or member of the clergy) may also attend at the discretion of the court.

COURTROOM The place in which a judge conducts hearings. The Child Protection Division courtrooms are lettered A through N and P.

CROSS EXAMINATION The questioning of a witness by the attorney or attorneys who did not call the witness to the stand; it is often used to discredit the testimony of the witness when the testimony is not favorable to the attorney's client.

DILIGENT SEARCH The process of looking for a missing party. The process must be persistent and thorough enough to convince that further efforts to find the person are not likely to be successful.

DIRECT EXAMINATION The questioning of a witness by the attorney who called the witness to testify; it is intended for the witness to provide full information about the facts of a case through open-ended questions posed by the attorney.

DISCOVERY The process by which information is disclosed by the parties to a case prior to a hearing either by the agreement of the parties or at the direction of the judge. Generally disclosed in the discovery process are written or oral statements or other things within the knowledge, possession or control of one of the parties. The term "discovery" refers to both the process and the things disclosed.

DISPOSITIONAL HEARING (DISPO) The point in a court case after findings of abuse, neglect or dependency have been entered when the judge determines whether to return a child home, continue a child's out-of-home placement, or emancipate the child.

EMANCIPATION The means by which a person 16 years of age or over and under the age of 18 years, who has demonstrated the ability and capacity to manage his or her own affairs and to live independently, may obtain the legal status necessary to enter into valid legal contracts.

EVIDENCE Any information that demonstrates or proves the existence or non-existence of a fact at issue. It must always be formally presented in order for the court to consider it. Evidence may be in the form of either testimony or documents. Testimony is evidence delivered by a witness orally under oath. It generally is given in response to specific questions asked by an attorney and not recited as an uninterrupted narrative by a witness. Documents, such as written reports, notes and records containing information related to a case may be required to be submitted to the court and all parties prior to, rather than at, a particular court hearing.

EX PARTE COMMUNICATION Any oral or written communication directed to a judge or hearing officer about a case made outside the presence of all the parties or their attorneys. These communications are prohibited.

EXTENDED TC See **TC** and **EXTENDED PROTOCOL**

GENERAL ORDER 1. A written order issued by the Presiding Judge of a division of the Circuit Court that sets out a procedure to be used in all courtrooms or hearing rooms throughout the division. 2. A written order issued by a judge assigned to a calendar setting out a procedure to be used in his or her courtroom.

GUARDIAN A person who is given legal responsibility for a child and his or her well being after a finding that the child is abused, neglected or dependent and the child has been made a Ward of the Court. When guardianship of a child is awarded to DCFS, the guardianship administrator of the Department is named as the child's guardian.

GUARDIAN AD LITEM (GAL) A person appointed to represent the interests of a minor in the litigation. A GAL is generally an attorney appointed in a dual capacity: to represent the child as his or her attorney and to represent the best interests of the child to the court. Illinois law requires that a GAL be appointed in every case in which a minor is alleged to be abused, neglected or dependent. In Cook County, the Public Guardian is generally appointed as both the GAL and attorney for the child.

HEARING A court proceeding that takes place in front of a judge or hearing officer.

HEARING OFFICER An attorney appointed by the Chief Judge of the Circuit Court to conduct permanency hearings, and other duties assigned by the court. Hearing Officers submit recommended orders to the judge.

HEARSAY Testimony given in court about a statement made by someone else outside of court.

INSTANTER Holding a hearing immediately on a matter not previously scheduled for a court hearing.

INTERESTED PERSON A person who will be affected directly by the outcome of a court case, but who is not named as a party.

MOTION A request, either oral or written, asking the court to take some specific action in a case.

NOTICE The legal document that informs a person that either a new court case has been filed, or that a court event will take place in a case that was previously filed, which may affect the person's legal rights.

PARTY Anyone bringing a legal action and anyone against whom a legal action is brought. In general a party in a legal action has certain rights: to bring or defend against a complaint, question witnesses and appeal from a judgment. Others, who may be affected directly by

the legal action, may be “interested persons,” but not parties. Parties are usually represented by attorneys. The parties to an abuse, neglect or dependency case are generally the people of the State of Illinois, the child, and the child's parents.

PERMANENCY HEARING A post-dispositional court hearing, conducted either by a judge or a hearing officer, to ensure that children who are in substitute care return to their parent or parents, find permanent homes as quickly as possible, or are working toward independence. The purpose of the permanency hearing is to set a permanency goal, and determine whether the services contained in the most recent service plan have been provided and are appropriate, whether reasonable efforts have been made to achieve the goal, and whether the plan and goal have been achieved.

PETITION The document filed at the beginning of a case alleging that a child is abused, neglected or dependent and requesting judicial action. At the beginning of a child protection case a petition for adjudication of wardship is filed. In this petition specific instances of abuse, neglect or dependency are alleged. Prior to proceeding with an action to terminate parental rights, a supplemental petition for appointment of a guardian with the right to consent to adoption is filed, which includes the factual basis for terminating parental rights and the reason(s) termination is in the best interest of the child.

PRE-SCREENING Prior to a request for termination of parental rights being taken to legal screening in the State's Attorney's Office, the adoption screening packet is pre-screened at the DCFS Regional Field Offices.

PRESIDING JUDGE The judge designated by the Chief Judge as the chief administrator of a division of the Circuit Court of Cook County.

PROGRESS REPORT A hearing to inform the court about the progress being made in a case, such as progress on achieving the permanency goal.

PROSECUTE To initiate a legal action and follow it to its conclusion.

PROTECTIVE CUSTODY The temporary placement of a minor away from his or her parent, parents, guardian or guardians, when it is believed that the minor's health or life is in imminent danger. A court hearing concerning the retention of the minor must occur within 48 hours of the protective custody being taken.

PROVE UP An uncontested court hearing in which evidence sufficient to establish the factual basis required to support the decision of the court is read into the record.

PUBLIC DEFENDER (PD) An attorney from the Public Defender's Office, who is appointed by the court to represent one or both of the parents when the court has found the parent or parents to be indigent.

PUTATIVE FATHER The alleged or reputed father of a child.

PUTATIVE FATHER REGISTRY A registry maintained by DCFS to determine the identity and location of putative fathers whose paternity has not been established in order to give such a person notice of any adoptive proceedings.

SCREENING The process by which the State's Attorney's Office, in consultation with a caseworker, determines whether there is enough evidence to support filing a petition for adjudication of wardship or a motion for termination of parental rights. (See **PRE-SCREENING**.)

STANDARD OF PROOF The amount of evidence that is necessary to prove something in a legal case. There are three different standards that are used at different points in a child protection case.

- 1) Preponderance of the evidence: the standard used at most court hearings in a child protection case, means that the facts are more likely to be true than false.
- 2) Probable cause: the standard used at the temporary custody hearing, means that there is reason to believe that the facts are true.
- 3) Clear and convincing: the standard used at the termination of parental rights proceedings, is harder to prove than preponderance of the evidence and easier than the criminal standard of proof that is beyond a reasonable doubt.

STATUS A hearing to inform the court about the progress of a particular aspect of a case, such as status on service to a parent.

STIPULATION An agreement by the parties about certain facts or testimony by witnesses. The stipulation is presented in court to the judge who decides whether or not to accept it. Once accepted, stipulation relieves the parties of the burden of presenting evidence on those factual issues at a hearing.

TEMPORARY CUSTODY HEARING (TC) The first court hearing in a child protection case to determine whether a situation involving alleged child abuse, neglect or dependency is properly before the court and if so, whether the child can remain safely at home pending

trial. The **EXTENDED TC** is a procedure that provides for the parties to jointly interview witnesses prior to the hearing and allocates sufficient time for the court to address the child's placement plan, plans for visitation, and any immediate service needs.

TERMINATION OF PARENTAL RIGHTS (TPR) severs the legal relationship between a biological parent and child. When parents' rights have been terminated, parents no longer have any right to visit the child or to make any decisions regarding the child. **TERMINATION OF PARENTAL RIGHTS** can occur either voluntarily (by consent of a parent), or involuntarily (as a result of a court hearing).

TRIAL See **ADJUDICATION**

2-20 (two-two-zero), 2-24 (two-two-four), 2-25 (two-two-five) Different types of orders of protection. The numbers refer to specific sections of the Juvenile Court Act, which authorize the order. (The statutory references are 705 ILCS 405/2-20, 705 ILCS 405/2-24 and 705 ILCS 405/2-25.) Each of these orders either directs a person to do something or to refrain from doing something in an effort to protect a child and promote that child's best interest.

WARD or **WARD OF THE COURT** A person placed by the court under the care and supervision of a guardian.

WARD OF THE STATE A ward of the court placed under the guardianship of an agent of the State.

WITHOUT PREJUDICE A decision made by the court that allows the parties the right to a rehearing on all or some of the issues decided by the court. It means that no rights or privileges of a party have been waived or lost.

WRIT A court order used within the Child Protection Division requiring that a person currently incarcerated be brought to court. Other types of writs also exist.

(Revised 12/15/01)

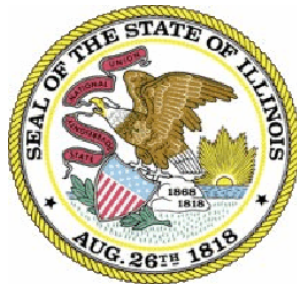
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Child Protection Court Family Conferences Protocol



Child Protection Division
Circuit Court of Cook County

COURT FAMILY CONFERENCE PROTOCOL

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NOTE REGARDING FILING OF SERVICE PLANS:

Service plans to be used at the court family conference must be filed with the DCFS Service Plan Distribution Center by 45 days after the temporary custody hearing.

The court family conference is scheduled at 55 days after T.C., so turnaround time is short. The court asks that all offices cooperate in the effort to see the service plans are in the hands of appropriate counsel before the conference. If you receive a service plan for a conference that should have been directed to another attorney in your office, please make every effort to get that plan to him or her expeditiously. In the event that your office receives more than one copy of the plan, it is probable that another office did not receive a copy. Please bring the extra copy to the courtroom at the next opportunity to make it available to any attorney on the case who has not received one.

Thank you for your help in making the court family conference a success.

Purposes of the Court Family Conference

The court family conference is an off-the-record pre-adjudicatory conference chaired by the judge and held fifty-five days after the temporary custody hearing. It should not be delayed for resolution of status on service or paternity issues. The purposes of the court family conference are:

1. To discuss the case plan and the progress of the case to date, to include:
 - a) whether the services required in the plan adequately address the problems that brought the case to the court's attention and the current needs of the children;
 - b) the timetable outlining when services will be offered and their anticipated completion;
 - c) consideration of the recommendation for assessments, the need for assessments, and the schedule for completing them,
 - d) whether any services ordered by the court at the temporary custody hearing are provided for in the service plan and what progress has been made toward implementation; and
 - e) the visitation schedule for the child(ren) with parents and siblings and its implementation and future progress.
2. To address the parties regarding results that the court expects to see prior to making decisions regarding:
 - a) whether to return the child home; and
 - b) whether to close the case.
3. To set a target date for the child to return home, if appropriate, or to close the case. If it is not possible or is premature to set a target date, to set out what needs to be accomplished before the court will consider setting such a date, and the time frame in which this is to be accomplished.
4. To summarize the conference on the record, including the positions of the parties and the expectations of the court.
5. To accept any stipulations or admissions entered into by the parties at the case management conference held as part of the court family conference.

ONE PAGE OUTLINE OF COURT FAMILY CONFERENCE

1. Introductions and review of ground rules: Problem solving, non-adversarial, off the record.
2. Reminder that acceptance of services is not taken as admission of any allegation.
3. We are here to determine:
 - a. What needs to happen to change the conditions that brought the case to court?
 - b. Does the service plan include the services necessary to support the parent in this effort?
 - c. What services have been offered and what have the parents done?
 - d. Does the service plan meet the needs of the children?
 - e. Results the court expects to see prior to making decisions regarding return (or closure)
 - f. A target date for return home of the children (or closure of the case), if appropriate
4. Caseworker identifies the family's strengths and/or particular supports available.
5. The judge directs questions to participants on sufficiency of service plan and services rendered.
6. The judge identifies actions or achievements that would demonstrate to the court that it is safe for the children to go home (or to close the case).
7. The judge directs questions to participants on sufficiency of services for the children.
8. Review of the actual and anticipated progress of parent and sibling visitation. Use of an elastic order is considered.
9. Discussion of changes to the service plan necessary to achieve:
 - a. creation of a safe home environment for return of the children;
 - b. appropriate visitation, parent and sibling; and
 - c. adequate services to meet the needs of the children.
10. Agreed upon changes are incorporated into the service plan, copies of amended plan made. This service plan is the documentation of service decisions made at the conference. Changes must be clear and accurate and copies of the amended plan distributed to all parties.
11. The judge sets a target date for return home or case closure when possible, or indicates what needs to be done before such a date can be set and the time frames for achievement.
12. The judge excuses him or herself for the case management conference.
13. The judge summarizes court family conference on the record including:
 - a. any target date;
 - b. the court's assessment of what must be accomplished;
 - c. the positions of each of the parties on the above issues; and
 - d. identification of any services included in the amended case plan but not yet offered.
14. The judge admonishes all parties to work toward achievement of the necessary outcomes within the time frames discussed, while cautioning that any date set is only a target.
15. The judge accepts stipulations or admissions and continues the case for the next court event.

STATE OF ILLINOIS
COUNTY OF COOK

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
CHILD PROTECTION DIVISION
GENERAL ORDER 05-15
RE: COURT FAMILY CONFERENCE

IT IS HEREBY ORDERED THAT:

EFFECTIVE IMMEDIATELY AND UNTIL FURTHER ORDER OF THIS COURT,

- (1) A Court Family Conference shall be held fifty-five (55) days after a Temporary Custody Hearing unless a petition or motion for the termination of parental rights is pending or criminal charges that arose out of the same facts that are the basis for the findings of probable cause or urgent and immediate necessity are pending against one of the parties to the action under the Juvenile Court Act. In cases in which there are allegations of physical or sexual abuse and the alleged perpetrator is the custodial parent(s), but no criminal charges are pending, the decision to proceed with the Court Family Conference shall be at the discretion of the judge.
- (2)
 - (a) All parties must appear in person at the Court Family Conference, except for the minor who may appear through his or her attorney. The caseworker assigned to the case also must appear. The failure to appear by one of the parties shall not prevent the court from going forward with the Court Family Conference. If the parent (s) are not present for the Conference, testimony shall be taken from the caseworker regarding whether the parent received notice of the Court Family Conference, what services are appropriate for the parent(s) and whether the services have been offered, as well as all aspects of services to the children.
 - (b) If all parties are present for the Conference, the judge shall conduct the conference off the record and summarize what happened at the Conference for the record at its conclusion. If the parent(s) are present for the Conference, the foster parents may participate unless the parent(s) objects. Any other person whose presence the parent (s) request may participate in the Conference at the discretion of the judge.
 - (c) The parent (s) are not present; the court shall conduct the Conference on the record.
 - (d) A foster parent who is present in court, but is excluded from participation in the Court Family Conference, shall be afforded the opportunity to be heard by the court before the judge concludes the proceedings.
- (3)
 - (a) The discussion at the Court Family Conference shall focus on eliminating the cause

that contributed to the findings of probable cause or the existence of urgent and immediate necessity. At the conclusion of the discussion the court shall set a target date for return home or closure whenever possible. If the court determines that setting a target date for return home or closure is not possible or premature, the judge shall make clear to the parties and to the caseworker what needs to be accomplished before the court will consider setting a target return home date. The judge shall set out clear time frames in which the court expects the parties and the caseworker to accomplish what must be done.

(b) The discussion at the Court Family Conference shall include services for the parents and child contained in the service plan, which was filed with the court. The plan for visits between the parent(s), child and/or any siblings shall also be reviewed. If agreement is reached on changes to the service plan, the changes shall be written on the service plan and initialed by the family. Those parts of the plan that have been changed shall be photocopied and distributed to the parties at the conclusion of the Conference.

(c) If the service plan has not been filed with the court prior to the conference, the court shall proceed with the conference without it. The discussion shall focus on the services that would be appropriate, ensuring that the parties and the caseworker have a clear understanding of the expectations of the court. If the judge determines that a second Court Family Conference is required to ensure that the case plan is completed and that it addresses the needs of the family and the expectations of the court, the court shall continue the Conference to the earliest date possible allowing sufficient time to do the necessary work.

(4) The Court Family Conference shall be scheduled in conjunction with the Case Management Conference. The sequence in which these conferences are held shall be at the discretion of the judge.

This Order supersedes previous General Order #98-33 dated July 15, 1998. This order is entered this date, _____, and shall be spread of record and published.

DATE: _____

ENTERED: _____
Presiding Judge
Child Protection Division

Court Family Conference Agenda

At the temporary custody hearing the judge has described the court family conference to the parties, reminded the caseworker that the service plan must be filed with the court within 45 days, stressed the need for all to be present, and given the family the Notice of Court Family Conference with time and date entered.

1. The judge welcomes all present, reviews basic ground rules of the conference: problem solving, non-adversarial, off the record. It is recommended that the conference is conducted with the judge and all parties seated around a counsel table in the courtroom.
2. Introduction of all present. The judge determines which, if any, non-parties may participate in the conference. Judge reminds all present that acceptance of services is not taken as admission of any allegation made in the petition, 405/2-10(2), but rather as an indication that the client is willing to begin work right away to enable his or her child to return home as quickly as possible.
3. The judge reviews the purposes of the conference: to discuss the adequacy of the service plan to support the efforts of the parents to change the conditions that brought the case into court and to meet the needs of the children, to discuss the services rendered to date, to address the parties regarding results that the court expects to see prior to making decisions regarding return home and case closure, and to set a target date for return home of the children or closure of the case, if appropriate.
4. The judge asks the caseworker to identify the family's strength and/or particular supports available to the family. The parents or their attorneys may supplement the statement.
5. The judge directs questions to participants on adequacy of the service plan and services rendered:

Caseworker

- How does the case plan address the issues that brought this case to court?
- What has been done on this to date?
- What is a reasonable time frame for successful completion of the case plan requirements?

Parent

- Is this plan reasonable?
- Is it helpful to you?
- What else could you do?
- How long do you think that it will take to accomplish these things?

Attorneys

- GAL - is the plan satisfactory?
- AS - same as above
- PD - same as above

6. Having considered the responses, the judge indicates what would demonstrate to the court that the circumstances which created the urgent and immediate necessity to remove the child from the home (or the probable cause for need of court involvement) have been alleviated.
7. The judge directs questions to participants on the sufficiency of services to the children.

8. The actual and anticipated progress of visitation is reviewed, in regard to both parent-child visits and any sibling visits. The plan leading to unsupervised overnights is reviewed in the context of other services and the anticipated time frame for return home. Use of an elastic visitation order is considered.
9. Conference participants discuss the changes to the service plan necessary to achieve the goals of:
 - creation of a safe home environment to which the children might return;
 - adequate services to meet the needs of the children; and
 - appropriate visitation
10. Agreed upon changes are incorporated into the service plan and initialed by the caseworker and the family. The service plan is the documentation of service decisions made at the conference. Changes must be clear and accurate. The caseworker makes copies of the amended service plan for distribution to the parties prior to the conclusion of the conference.
11. The judge sets a target date for return home or case closure when possible, making an effort to tie the return home date in with a date that has meaning to the family. If it is premature or not possible to set a target date, the judge makes it clear to the parties and the caseworker what needs to be done before such a date can be set, and the time frames in which the court expects the parties and the caseworker to accomplish what must be done.
12. The judge excuses him or herself, allowing the parties to conduct a case management conference with the court coordinator.
13. The judge returns and summarizes the outcome of the court family conference on the record, including any target date for return or case closure, the court's assessment of what must be accomplished by the return or closure date or before such a date can be set, as well as the positions of each of the parties in regard to these issues, and any services included in the amended case plan but not yet offered.
14. If a target date has been set the judge admonishes all parties in regard to their responsibility to work toward achievement of the necessary outcomes within the time frames discussed, while cautioning that the date is a target, that the return home motion will be ruled on by the court on the basis of all the evidence before the court at that time, and that the date not be held out as a promise that might disappoint the children.
15. The judge accepts any stipulations or admissions that have been entered into at the case management conference and continues the case for the next court event.

Duties of Participants Court Family Conference

Judge's Duty:

Conduct a problem-solving, non-adversarial conference, which achieves an understanding among all parties of the requisite conditions for a child to return home or a case to be closed

Family Duties:

- 1) confer with his/her attorney prior to the conference.
- 2) be ready to tell about activities he/she has participated in that have helped him/her to improve his/her parenting skills: counseling, parenting classes, substance abuse programs, or other activities.
- 3) be prepared to explain in what way he/she can best work to achieve conditions that will assure the court that it is safe to return the child to his/her care.

Support Person Duty:

Be prepared to describe the way in which he/she will be able to act as a helper to the parents in their efforts to regain custody of their children.

Caseworker's Duties:

- 1) file service plan with the court within 45 days of the T.C. hearing.
- 2) make services available to the family as soon as possible.
- 3) arrive at the conference promptly.
- 4) know the strengths of the family, the issues that require that the case be before the court, how the service plan addresses those issues, which steps of the service plan have been implemented and anticipated timing for future steps.

Attorney Duties:

- 1) read the service plan prior to the conference.
- 2) have conferred with your client prior to the conference and be aware of any changes in his/her situation and problems/progress in services.
- 3) respect the off-the-record nature of the conference.
- 4) respect the non-adversarial nature of the conference.

Court Family Conference

Sample Introductory and Concluding Statements

Statement after introductions:

This is a meeting to discuss what has happened since the case was in court for the temporary custody hearing. This is an informal meeting. As you can see there is no court reporter here, although at the end of the meeting I will go on the record to summarize issues decided here today.

Addressing any parent present:

If you have any questions about whether you should say something that you would like to say, ask your lawyer before you speak to the group. You may step outside the courtroom to talk with your lawyer if you need to.

The purpose of this meeting is to hear about how things are going for you and your children, and to help you understand what changes must be made before the court can consider returning your children to you (or, if the children are at home, to close the case.)

We are having this meeting now, before the trial, in order for you to know whether you are doing the things necessary to get your children home as soon as possible.

Today we are going to talk about what you could do to assure the court that if the court were to return your child to you, that he or she would be safe and healthy in your care (or, if the child is at home, to assure the court that your child can remain with you and be safe.)

This does not mean that I have made up my mind that the things that are said in the papers filed with the court are true. That will be decided at the trial. Most people want to start working toward getting their children back right away. The fact that you are working to make changes is not an admission that you did anything wrong.

We might be able to set a target date for the return of your children. Whether we can do that today depends on the circumstances of your case. If we are able to set a target date for you, I want to be sure that you understand that it is based on what we have discussed today. If new things happen that pose a danger to your kids, or if the court is presented with evidence of past events that are harmful to them that we do not discuss here today, the situation may change. For this reason any target date that we decide upon should not be presented to your children as *the date* on which they will come home. It is a date to work toward, but much can happen between now and then, and we do not want these children whom we all value to be disappointed.

Ms. or Mr. Caseworker, would you like to begin the conference by talking with us about some of the strengths of this family or supports available to it that will help in working toward return home of the children?

Full participation in the court family conference begins:

The statement on the record at conclusion of the conference is to include:

- a. any target date;
- b. the court's assessment of what must be accomplished;
- c. the positions of each of the parties on the above issues; and
- d. identification of any services included in the amended case plan but not yet offered.

At the conference today we established that Mrs. Brown is participating in intensive, outpatient drug rehabilitation services. Parenting classes for parents of developmentally delayed children will be required, but Mrs. Brown does not feel ready to begin these until she has completed the initial stages of the drug rehab program and the caseworker agrees.

The Public Guardian has expressed concern that because of Robert's special needs and Mrs. Brown's history of leaving the children unattended that it is not realistic to expect that Mrs. Brown will ever be able to take good care of Robert. The assistant state's attorney agrees.

The court believes that the older boys may be able to return home by the end of the year if Mrs. Brown continues to work toward recovery with the same determination and success that she has shown since her children were removed, and if no additional information is brought to the attention of the court which poses a threat to the safety of the children. Because of the special needs of Robert the court would not consider returning him home until all the services have been completed and Mrs. Brown has been successful in caring for the two older children for at least six months. If all goes well for Mrs. Brown and Joe and Dan, we would hope to be able to return Robert by the time school is out. By that time Mrs. Brown should have completed the special parenting courses and had Robert for successful unsupervised weekends on a regular basis.

All of us agree, Mrs. Brown, that you could be an adequate parent to the two older boys. The state and the guardian do not feel that you will be ready by the end of the year. The court thinks that it is a goal worth working toward, and will be prepared to seriously consider a return home motion at that time if you are able to continue doing as well as you are now and have demonstrated that you can be responsible for their health and safety. It will be up to your attorney to file that motion when you and your attorney think that you have made the necessary progress.

The service plan has been amended to include parenting class for developmentally delayed children. I understand that the appropriate start date depends on how Mrs. Brown is doing in other services. I will caution the caseworker to see that such a class is located, find out if there is a waiting list, and to be sure that Mrs. Brown will be set with a class at the appropriate time. Successful completion of that class will be vital to the court's consideration of unsupervised visits with Robert.

COURT ACCEPTS ANY ADMISSIONS OR STIPULATION ENTERED INTO AT THE CASE MANAGEMENT CONFERENCE AND SETS NEXT COURT DATE

I ask all of you, family, caseworker, and attorneys, to do your work thoroughly and promptly so that if Mrs. Brown is able to do the things that we have discussed here today and nothing else interferes, the boys will be able to go home by the end of the year.

And everyone, please remember that the last thing that we want to do is create expectations that will become deep disappointments for Joe, Dan and Robert. No promises can be made and there is a lot of work to be done before the return home is a reality.

**Notice to Parents
of
Court Family Conference**

You are scheduled to appear at a Court Family Conference concerning your child (ren)

NAME OF CHILD(REN)

in Courtroom # _____

on _____

at _____

Questions you may have about the Court Family Conference:

Who will be there?

At the Court Family Conference you, your lawyer, your caseworker, the judge and the other lawyers working on the case will talk about your child's court case. You may also bring with you family members or friends who are a help to you. The judge will determine whether they may participate in the conference.

Who is it for?

The Court Family Conference is for you and for your children. It is to help you understand what the court expects of you, and to help the court and the lawyers understand more about your family.

What will we talk about?

We will talk about the problems that caused your child's case to be in this court, and about what you, with the help of your caseworker, are doing to solve those problems.

If your child has been taken from your care, the judge will talk with you about what you must do so that your child may return to live with you. If your child is still at home with you, the judge will talk with you about what you must do so that your child may stay safely in your care and the court case can be closed.

Will things that I say at the Court Family Conference be used against me?

This is an off-the-record conference. There will be no court reporter at the Court Family Conference. Please speak with your lawyer about what this means in terms of your participation in the discussion.

After everyone is through talking, the judge will call in a court reporter and make a statement telling what, if anything, was determined at the conference about your situation.

If I go to a substance abuse program or a parenting class, isn't that like saying that I am a drug addict or don't know how to take care of my child?

No, the law says that doing the things in your service plan cannot be held against you. Your active participation in services is an important step toward getting your child back as quickly as possible.

What am I supposed to do at the Court Family Conference?

Your job at the Court Family Conference is to:

1. get there early to meet with your lawyer before the conference
2. be ready to discuss counseling, parenting classes, substance abuse programs, or other services you have participated in
3. be ready to explain how you can best work to achieve conditions that will assure the court that it is safe to return your child to your care.

What is the job of any friend, relative, or other person that I bring with me?

That person should be able to describe the way in which he or she will help you in your efforts to bring your child (ren) home.

Do I have to be at the Court Family Conference?

Yes, your presence is required on that date. If it is not possible for you to be there you should let your lawyer know immediately. The judge may have decided today that you have to come to court on other dates as well. If you have any questions about other court dates, your lawyer will be able to help you.

(Amended 01/16/02)

Child Protection Mediation Program Protocol



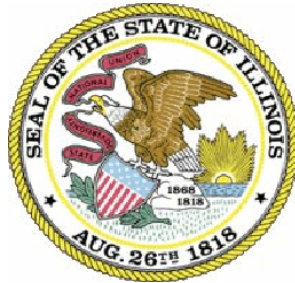
Child Protection Division
Circuit Court of Cook County

Child Protection Mediation Program Protocol

1. **The Child Protection Mediation Program (“CPMP”)** accepts referrals of all abuse, neglect and dependency cases at any stage of the proceedings. In rare instances CPMP staff may determine a case is inappropriate for mediation.
2. **Anyone affiliated with the case, case managers and family members, may ask for an Order to Mediation.** Judges also have discretion to enter the order on their own motion and over any party’s objection.
3. **Any contested issue may be referred to the program,** however mediation is especially recommended to help parties address:
 - a) issues delaying reunification or other permanency for the children;
 - b) communication and relationship issues that are impeding progress in the case;
 - c) visitation schedules and transportation issues;
 - d) back-up planning where adoption or guardianship is the goal;
 - e) issues threatening the stability of a placement or a guardianship relationship.
4. **When a Judge orders a case to mediation, the court coordinator will** call CPMP staff to the courtroom to accept the intake and schedule the mediation. Sessions are set for the next available date that conforms with the schedules of all individuals ordered to participate.
5. **The court coordinator will distribute mediation intake forms** to parents, other family members, attorneys, child welfare professionals, and caregivers. Intake forms for non-professionals are also available in Spanish.
6. **CPMP staff will collect all completed intake forms** from the parties or the coordinator. CPMP staff, with the assistance of professionals assigned to the case, is responsible for obtaining intake forms from individuals ordered to participate who were not present in court.
7. **CPMP staff will prepare the Order to Mediation** and a Continuance Order for the mediation date, and have them entered by the judge. Courtroom staff is responsible for the Continuance Order for the next scheduled court date.
8. **CPMP staff will mail** to all mediation parties and to all attorneys assigned to the case, an official notice and a copy of the executed Order to Mediation. Individuals not familiar with mediation will also receive information about the program and the process.
9. **CPMP staff will contact mediation parties by phone** no later than the business day prior to the scheduled session to confirm their attendance. CPMP staff will work with professionals and family members to reschedule sessions when necessary.
10. **Children are not permitted in mediation** and no child care services are available in the mediation space. In rare instances adolescents are permitted to participate in mediation at the sole discretion of the CPMP staff.

11. **Mediation sessions are confidential and are facilitated by two mediators.** They typically last two to three hours.
12. **On the day of mediation the case will be held to call** to the next business day so the Mediation Report can be tendered to the judge for review. The Mediation Report will advise the court if any ordered individual failed to participate, whether mediation occurred, whether an agreement was reached, and whether the participants asked to return to mediation.
13. **The mediators will help draft a Memorandum of Agreement** at the conclusion of the session if all mediation parties wish to enter into a written agreement. Once the judge approves and enters the Memorandum of Agreement becomes fully enforceable.
14. **On the day following the mediation session,** CPMP staff will tender to the court a Mediation Report, a Memorandum of Agreement if one was executed, a Continuance Order for the next scheduled court date, and if the parties scheduled a subsequent mediation date, a Continuance Order for the next mediation date.

Benchmark Permanency Hearing for Teens Protocol



Child Protection Division
Circuit Court of Cook County

BENCHMARK REFERRAL FORM

To be completed by the Court Coordinator:

Date of Referral: _____

Geographic Calendar: _____ Judge: _____

Name of Minor: _____ Docket Number: _____

Proposed Court Date scheduled after Benchmark: _____

Benchmark Date: _____ Time: _____

***Place completed referral form in Benchmark Coordinator's mailbox (located outside office G0011AW).
You will be apprised of the Benchmark Date within 3 working days.**

To be completed by the Caseworker/ GAL:

Caseworker Name _____

Caseworker's Agency _____

Caseworker's Phone Number _____

Caseworker's Fax Number _____

Minor's Mailing Address _____

Minor's Date of Birth _____

Minor's ACR CYCLE _____

Minor's School Placement _____

G.A.L. Name and Phone Number _____

Additional Notes:

(Please complete other side)

BENCHMARK AGREEMENT

On _____, 2006, I appeared at a Benchmark Hearing to discuss my goals and future plans. At my Benchmark Hearing, the responsibilities of the Illinois Department of Children and Family Services and the other agencies involved in my case were discussed. I understand that those agencies and I must do certain things if I am to reach my goals. Therefore, I agree to do the following:

Agreed this _____ day of _____, 2006

Judge Sybil Thomas

Responsible Person

The next Benchmark Hearing is scheduled for _____

This Agreement does not constitute a Court Order

**BENCHMARK HEARING
MEMORANDUM**

TO: Judge _____

FROM: Judge Sybil Thomas

RE: **Notice of Upcoming Hearing and Benchmark Hearing Summary**

DATE: _____, 20____

IN THE INTEREST OF _____ NO. _____

A Minor

Calendar # _____

NOTICE OF HEARING

THIS CAUSE came to be heard for a benchmark hearing on
_____, 20____, the minor, DOB ____/____/____:

- having attained the age of _____
- approaching case closure

THIS MATTER IS CONTINUED ON:

- Benchmark Calendar
- Geographic Calendar

DATE: ____/____/____ at _____ a.m./p.m.

- FOR:**
- Permanency Hearing
 - Progress Report
 - Other: _____

BEFORE THE: **JUDGE** **HEARING OFFICER**

BENCHMARK HEARING SUMMARY

The following educational and career objectives were identified:

The following steps/actions are necessary to achieve the identified objectives:

The following services are recommended:

See attached Agreement signed by the teen and Judge Thomas.

At the next hearing, please confirm:

- What action the teen has taken to achieve the objectives identified above
- The status on implementing the recommended services

Benchmark Permanency Hearings for Teens
Child Protection Division
Circuit Court of Cook County

In Illinois, permanency hearings are held 12 months after a child comes into custody and every six months thereafter. Judge Sybil Thomas conducts Benchmark Hearings for qualified teen wards with an entered permanency goal of Independence. These hearings take place at a minimum age of 16 and at least 9 months prior to case closure. These are intensive hearings covering all aspects of the case and are designed to be supportive of the young person, assuring that youth receive appropriate assessments, planning and supportive services. The benchmark hearings are on a special calendar dedicated to this call; all other hearings regarding the young person will remain on the geographic calendar to which the case is currently assigned.

A representative of the Chicago Public Schools is available for each Benchmark Hearing to provide information about the teen's educational history and current information on enrollment and attendance. She also provides information about appropriate programs and services offered by the Chicago Public Schools and how to access those programs.

The caseworker's responsibilities in preparing for the hearing are clearly set out in the protocol. One of those responsibilities is to assure that the young person attends the hearing, and that s/he has given thought to the matters to be discussed. A special notice of the hearing directed to the young person is provided to be delivered by the caseworker.

In addition, the young person is asked to bring an adult with him or her to the hearing. The teen is asked to identify a responsible adult that s/he can rely on and would like to have continued contact with in the coming years. The caseworker is to invite that person to be present at the hearing.

One of the goals of the hearing is to ensure that there is a responsible adult involved in the life of every child who leaves the court. It is important to ascertain that the teen has a mentor who offers guidance and is a good role model for the teen. Beginning the search for the supporting adult at the ward's benchmark hearing should allow time for identification of that person and facilitation of the development of the relationship between the adult and the teen.

Benchmark Hearings for Teens **Protocol for Caseworkers**

The Honorable Sybil Thomas is conducting benchmark hearings for teen wards with a previously entered goal of Independence who are at least age 16 and have more than 9 months to case closure. The purpose of these hearings is to assure that youth receive appropriate assessment, planning and supportive services. All other hearings will remain on the geographic calendar currently assigned.

Caseworker responsibilities in preparation for a Benchmark Hearing:

1. Give the attached notice and description of the hearing to the young person and talk with him or her about the importance of the young person's participation.
2. Provide the attached notice and description of the hearing to a responsible adult identified by the teen as a person that the teen can rely on and would like to have continued contact with.
3. Assess the youth's life skills using information obtained from the youth, the caregiver and the Daniel Memorial Life Skill Assessment, or other assessment that meets the teen's needs.
4. Prepare a case plan* that details:
 - 1) youth's needs and current self-sufficiency
 - 2) the plan for transition of the youth to Independence
 - 3) how, where and when services are being provided for that transition and the level of participation of the youth in those services
 - 4) the young person's need for future services and how those services will be secured
 - 5) status of the youth's relationships with members of his/her immediate and extended birth family and recommendation on how those relationships can be facilitated in the best interest of the youth (i.e. visiting, counseling, therapy)
5. File the above case plan with the Service Plan Distribution Center using the attached cover sheet indicating a Benchmark Hearing.
6. Complete the Benchmark Summary Sheet and bring 6 copies with you to the hearing for distribution.
7. Remind the youth of the date and provide transportation for the youth to and from the hearing.

Caseworker responsibilities at a Benchmark Hearing: The same responsibility for appearance and testimony regarding the specifics of the service plan and its implementation as applies at all permanency hearings.

*Use as your guide for 1-4 above the requirements outlined in IDCFS Procedure 302. Appendix M-Transition Planning for Adolescent Wards, which requires provision for the following:

- a) life skill assessment (Daniel Memorial Life Skill Assessment short form)
- b) life skills training
- c) vocational and career planning
- d) health care
- e) counseling
- f) housing
- e) financial assistance benefits for youth with special needs
- f) federal benefits and other public funds

For Benchmark Hearings prior to case closure assure that the young person has the documents necessary to function as an independent adult including: social security card, driver's license/state i.d., medical records and documentation, birth certificate, list of known relatives with addresses and telephone numbers, educational records, and documents or information on religious background (302 Appendix M-(g)).

Benchmark Hearing Case Summary Sheet

Name _____ Petition No. _____

Permanency Goal _____ Change recommended? _____

Housing _____ time at this location _____

Education _____

Health _____

Work _____

Contact with biological family _____

Strengths and interests: _____

Needs: _____

Services provided: _____

Services planned: _____

Attach a copy of any critical incident reports not formerly reviewed at a permanency hearing.

Caseworker

Supervisor

Agency

Agency

Date

Date

**Benchmark Permanency Hearing
Teen Planning Sheet
for**

Date: _____

Goals (Goals may relate to school, work, or anything that is important to this young person):

2006 _____

2007 _____

2008 _____

Challenges:

Proposed Plan:

Benchmark Referral Guidelines

The following guidelines should help you determine whether a minor is appropriate for a Benchmark Hearing. If you have any questions, please don't hesitate to contact me at ext. 4732.

1. Is the goal Independence? If no, not appropriate for a benchmark hearing.
2. Is the minor at least age 16 and more than 9 months from case closure? If he/she does not fall within those parameters, not appropriate for a benchmark.
3. Is the minor a chronic runner? If so, not appropriate for a benchmark hearing until he/she has been stable in placement for at least 3 months.
4. Is the minor incarcerated, have a pending criminal/delinquency case or an outstanding warrant? If so, not appropriate for a benchmark hearing until the criminal/delinquency matter has been resolved.
5. Does the minor have a drug problem that is not currently being treated? If so, probably not appropriate for a benchmark hearing.
6. Is the minor in a long-term residential placement? If yes, but is ready to be stepped down, may be appropriate for a benchmark – call first. If not ready to step-down, he/she is not appropriate for a benchmark.
7. Is the minor also a parent whose child is in DCFS custody or has a pending DCFS investigation? If so, not appropriate for a benchmark.
8. Does the minor have the minimal mental capacity/IQ to comprehend and benefit from the Benchmark Program?

CHILD ABUSE AND NEGLECT CASE PROCESSING TIMELINE

<p>Within 48 HOURS of taking protective custody</p>	<p>TEMPORARY CUSTODY HEARING</p>
<p>Within 55 DAYS of Temporary Custody Hearing</p>	<p>COURT FAMILY CONFERENCE</p> <ul style="list-style-type: none"> ➤ Informal, off-the-record conference with the family, judge and all parties involved.
<p>Within 90 DAYS of service on both parties</p>	<p>ADJUDICATORY HEARING</p> <ul style="list-style-type: none"> ➤ Formal trial to determine if child has been abused or neglected or is dependant.
<p>Within 30 DAYS of Adjudication</p>	<p>DISPOSITIONAL HEARING</p> <ul style="list-style-type: none"> ➤ Hearing to determine if parents are fit, willing and able to care for the child. ➤ Hearing to determine if child should be made a ward of the court.
<p>Within 12 MONTHS of Temporary Custody</p>	<p>PERMANENCY HEARING</p> <ul style="list-style-type: none"> ➤ First permanency hearing held within one year of temporary custody. ➤ Subsequent permanency hearings held every six months. ➤ Benchmark permanency hearing held at a minimum age of 16 and at least 9 months prior to case closure. The permanency goal at time of Benchmark must be “Independence”.

Invitation to _____ to Attend
a
Benchmark Permanency Hearing
for

You are invited to come to court as an adult friend of the young person named above,
to participate in making a plan for the young person's future,

with

Judge Sybil Thomas
Judge of the Child Protection Division
Circuit Court of Cook County
2245 West Ogden Avenue, Chicago
in the Presiding Judge's Conference Room, 8th Floor

on _____

at _____

Questions you may have about the Benchmark Permanency Hearing:

What is the Benchmark Permanency Hearing for?

This hearing is being held in support of the young person named above, to assure that he or she is getting the help needed now and that appropriate plans are being made for the future. Both you and the young person will have an opportunity to speak with the judge about housing, health care and financial needs of your young friend, as well as his or her education and career plans.

Why am I invited?

You may have no legal relation or obligation to this young person, and attendance at this hearing creates no legal obligation. The court wishes to consult with you because the young person who is the subject of this hearing appreciates your interest and has identified you as a responsible adult who he or she hopes will continue to be a part of his or her life in coming years.

Who else will be there?

The young person's caseworker and lawyer will be there, as well as the other lawyers involved in the case.

What should I do to get ready?

Talk with your young friend about his or her current needs and plans for the future. Complete the planning sheet on the other side of this page together with the young person if possible.

What will my job be in the future?

To continue to be a friend and advocate for this young person throughout his or her transition to adulthood.

**Notice
of
Benchmark Permanency Hearing
for**

You are scheduled to appear at a hearing to plan for your future
before
Judge Sybil Thomas
Judge of the Child Protection Division
Circuit Court of Cook County
2245 West Ogden Avenue, Chicago
in the Presiding Judge's Conference Room, 8th Floor

on _____

at _____

Questions you may have about the Benchmark Permanency Hearing:

What is the Benchmark Permanency Hearing for?

The hearing is to assure that you are getting the support and opportunities that you need now and that the right plans are being made for your future. You will have an opportunity to speak with the judge about your housing, health care and financial needs as well as your education and career plans.

Who will be there?

Judge Thomas requests that you bring with you to the hearing a responsible adult who you hope will continue to be a part of your life in coming years. Your caseworker and your lawyer will be there, and other lawyers may be present as well. Additional people may be on hand to assist you with particular needs or concerns that you may have.

What should I do to get ready?

Talk with your caseworker about your plans for the future. Choose an adult to invite to come with you. Tell your caseworker who you have chosen. Talk with the adult about your plans and hopes for the future and what you would like the judge to know about you and your abilities and interests. Fill out the planning sheet on the other side of the page together with your adult friend or caseworker. Plan with your caseworker how you will get to the courthouse.

What is the job of the adult that I invite?

The adult is someone you think of as a friend who you can talk to about your life. The adult's job is to simply be someone that you can turn to for advice. In court, the adult can talk to the judge about who you are and what you need help with as you become an adult yourself.

Do I have to be there?

Yes. We cannot help you plan for your future without hearing from you.