

### What can I do to help?

- Provide information. You can help by providing all requested information to the worker. Your answers will help you and your worker identify what services and supports you will need to be successful in having your child return to your care.
- Participate. You can help by participating with the planning and services for your child's safety. Attendance at meetings and court hearings will help you understand the process, provide needed information, and show your commitment to working with the agency and have your children return to your home.
- Stay in Touch. Make sure everyone knows if you move and all the progress you have made.
- Ask Questions. Feel free to ask questions. You need to be clear about what is expected of you and what you can expect from CFSD and your Child Protection Specialist.

### Informal Parent Support (Friend of the Parent)

As the parent who is working with CFSD regarding a report of abuse or neglect, you may ask a friend or relative to accompany you through any abuse and neglect proceedings or meetings. If you choose to have someone assist you, the following is required:

- You must sign a release of information form allowing your support person to have access to all confidential records and disclosures in your case, and
- You and your support person must sign an agreement regarding the scope of duties and responsibilities that your support person will have regarding your case.

All information in your case is kept confidential and will only be shared with persons who are involved in your case (CASA, foster parents, etc) and who need the information to make informed decisions and provide services to you and your child.

YOUR CHILD PROTECTION SPECIALIST IS:

\_\_\_\_\_  
PHONE NUMBER:

\_\_\_\_\_  
YOUR CPS's SUPERVISOR IS:

\_\_\_\_\_  
PHONE NUMBER:

The Department of Public Health and Human Services (DPHHS) does not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin. If you believe you have been subjected to discrimination contact the DPHHS Human Resources Division at (406) 444-3136 or the Montana Human Rights Bureau at 1-(800)-542-0807, or relay service at 711.



### **Child and Family Services Division**

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**UNPAM-130**

### **CHILD & FAMILY SERVICES DIVISION**

## What Happens Next?



## PARENT'S RIGHTS

WHAT YOU NEED TO KNOW WHEN  
YOUR CHILD HAS BEEN REMOVED  
FROM YOUR CARE

# WE UNDERSTAND THIS IS AN OVERWHELMING TIME FOR YOU. WE BELIEVE THAT KNOWING WHAT TO EXPECT CAN MAKE IT LESS DIFFICULT.

## **When your child is removed from your care:**

CFSD has the authority under Montana law to remove a child who is in immediate or apparent danger of harm, and therefore is unsafe due to the presence of present danger or impending danger, in the home. When CFSD removes your child from your home, your Child Protection Specialist is required to provide you with the following written information:

- A notification of the removal;
- The reason for the removal; and
- Information about the future show cause hearing.  
court

## **Possible Legal Interventions:**

### ***Order for Emergency Protective Services***

When your child is placed into state care, the Child Protection Specialist, through the County Attorney, will petition the court for Emergency Protective Services. This gives CFSD the continued authority to place your child out of your home. When the judge signs the order for Emergency Protective Services, he/she will set a date for the Show Cause Hearing which must be held within 20 days of the petition being filed. You have the right to have an attorney and the court will have one appointed if you cannot afford one. If possible, it is recommended that you meet with your attorney before this hearing. At this hearing, if you provide notice as required, you will have the right to voice your agreement or disagreement with the allegations contained in the petition. This hearing requires the Child Protection Specialist to show cause as to why your child should remain in state care and describe why the child was, or would be, unsafe if he/she remained in or returned to the home.

### ***Temporary Investigative Authority***

When Temporary Investigative Authority (TIA) is ordered by the judge, it gives CFSD the legal right to conduct an in-depth investigation into the child's situation. A TIA may be ordered at the show cause hearing in addition to the Order for Emergency Protective Services. A TIA can be ordered for a maximum of 90 days.

A TIA does not give CFSD legal custody of your child.

A Guardian ad Litem (GAL) and/or a Court Appointed Special Advocate (CASA) will be appointed to represent your child whenever any court ordered action is taken. After a TIA is ordered, your Child Protection Specialist will work with you to develop a plan to assist you in resolving the problems that led to your child being removed from your care. Please remember you have only 90 days to successfully complete the requirements listed in your plan. At the end of 90 days, the judge must order Temporary Legal Custody if he or she determines your child cannot be safely returned to your care or you require additional time to make the necessary changes to have your child return safely.

### ***Temporary Legal Custody***

When Temporary Legal Custody (TLC) is ordered, CFSD will have the right and responsibility for the care, custody and control of your child on a temporary basis.

Your child will be adjudicated (determined) to be a Youth in Need of Care (an abused, neglected or abandoned child/youth). The court usually orders TLC for 6 months. TLC may be extended for an additional 6 months if the court believes that more time is required. When TLC is ordered, a treatment plan is usually ordered. Please work with your Child Protection Specialist to help decide the tasks that need to be included in this treatment plan to assist you in having your child safely returned to your care. Your successful completion of this court-ordered treatment plan is necessary to reunite with your child. Be sure to communicate regularly with your Child Protection Specialist to discuss your progress in completing your treatment plan. Remember, the time you have to successfully complete the plan is limited by state and federal law.

If a child has been in care for 90 days or more, a concurrent plan will be developed for the child. The concurrent plan will identify the permanency goal for the child if reunification with the parent is not appropriate. This plan can be a kinship placement, guardianship or adoption.

A Permanency Hearing must be held within 12 months of the finding that the child was a Youth in Need of Care, or 12 months after the first 60 days a child has been in care, whichever comes first. A report to the Court identifying the permanency plan for the child must be completed by the Child Protection Specialist and filed with the Court before the Permanency Hearing. The permanency plan must identify the possibilities for the child's permanent placement and how the placement decision will be carried out, including specific times for completing the permanency plan.

As the time you have to successfully complete the plan is limited by state and federal law, it is generally in your best interests to begin working immediately on the tasks outlined in your voluntary or court-ordered treatment plan. You have the power to determine whether you will keep the right to parent your children. CFSD wants you to succeed in making the changes in your behavior that will enable you to safely parent your child.

### ***Termination of Parental Rights (TPR) and Permanent Legal Custody (PLC)***

According to Montana and Federal laws, if a child remains in court-ordered out of home care for 15 of the past 22 months, the state is required to file for Termination of Parental Rights and Permanent Legal Custody. Foster care is a temporary solution and children need permanency for their emotional well-being, so it is important for you to work your treatment plan, ask questions when you are unsure, and assist in developing an appropriate concurrent plan for your child.

Under very limited circumstances, as defined by law, the state may file a petition for Termination of Parental Rights and Permanent Legal Custody and request that no treatment plan be ordered. If this is done in your case, your attorney can help you disagree in court with the petition.

