

Participating in Juvenile Court Hearing

As a foster parent, you will receive notice of all court hearings that are held regarding the foster children in your home. You should consider this notice an invitation to participate and make every effort to attend.

If the County Attorney, DHS social worker, or Juvenile County Officer informs you that you are needed to testify, you are expected to attend. If you are needed to testify, a subpoena to ensure your attendance will be issued if needed (for example, if your employer does not wish to give you the time off of work).

If you have been asked to bring the foster child with you, plan to arrive at least half an hour early, so that other team members can talk to the child. Usually, young children do not attend hearings, due to the adult nature of many of the discussions that occur at court. Ask the children's worker if the child should attend.

If you are not bringing the foster child with you, arrive at least 15 minutes early. Do not be late, for tardiness is considered a sign of disrespect to the judge. If you are not able to attend the court hearing, make sure that the child's DHS social worker (or juvenile court officer) is aware of your conflict.

If there are other children in your home, find a babysitter to care for them while you are at court. It is not appropriate to bring them with you, as this is very disruptive to the proceedings.

Show your respect for the court and the role you play as a foster parent by dressing professionally for court hearings. This does not necessarily mean wearing a suit, but for example, dress as you would for attending a high school graduation or religious service.

When entering the courtroom, you will not be seated at the same table or section as the "parties of interest," I.E., the attorneys, DHS and JCS, the birth family, and the foster child. Their section is at the front of the courtroom in front of the judge. Take a seat in the gallery of the courtroom, the seats just behind the parties of interest.

Normally, the judge will make an official record of who is present in the room. You may be asked to identify yourself. Say your name and state that you are the child's foster parent.

Speaking at Hearings

During the hearing, the judge may ask you questions about how the child has been doing in your home. Direct your answers to the judge. Refer to the judge as "Your Honor" or "Judge," using the judge's last name.

Talk loudly and clearly enough to be heard by everyone. Speak all your answers. You cannot nod your head for yes and shake your head for no, because the court reporter must record your answers on the record.

Answer honestly and to the point. Juvenile court judges have a high and positive opinion of the difficult work that foster parents do. Remembering this will help settle your nerves as you participate in court hearings.

Giving Sworn Testimony

If you are asked to give sworn testimony, you will be called to the witness stand at the front of the courtroom and sworn in. If your religion prevents you from taking such an oath, inform the judge and an alternative pledge will be offered.

Your testimony is valuable input that will help the court to determine the best plan of treatment for the child. Consultation with the social worker, the child's attorney, or the county attorney will help you prepare for the types of questions you may be asked.

If you have been communicating with other team members in a timely, accurate, and honest manner before the hearing, none of your remarks during the hearing should come as a surprise to anyone.

You may take notes with you to court hearings and to the stand to help refresh your memory, but remember the attorneys present can request a copy of any paperwork that you bring into the courtroom to use for testimony. Ask the child's DHS worker or juvenile court officer about how best to prepare any written notes.

Providing Written Notes

If you are asked to prepare a written report or wish to do so, speak with the DHS social worker or juvenile court officer about this and they will advise you. Any reports that you wish to submit to the court, including the judge and other parties of interest, should be given to the agency (DHS or JCS) to distribute. You should not provide the report directly to the court yourself.

Communication with Parties to the Court Proceedings

Guidelines for contact with attorneys and officers of the court are as follows:

Judges: Most likely any communication between yourself and the judge will take place during the course of the court hearing, either through sworn testimony, written reports you have submitted, or questions the judge may ask you.

County Attorney: The county attorney represents the DHS social worker in CINA proceedings. Your contact with the county attorney will likely be immediately

proceeding a court hearing, either in preparing you for testimony or answering questions you may have.

Guardian ad Litem: The guardian ad litem is appointed to represent the child's best interest legally. It is likely that you will have regular, ongoing contact with this person. It may be that the child's guardian ad litem will contact you and schedule a time to meet with the child placed in your home.

Child's Attorney: Depending on the age of the child, this may or may not be the same person as the child's guardian ad litem. The role of this attorney is to represent the "wishes" or "desires" of the child, in a sense to be the child's voice in the courtroom.

Parent's Attorney: There should be no reason for you to have any direct contact with the parent's attorney outside the court hearing. If you have questions regarding this contact the DHS worker.

Source: This information was taken from the Iowa Foster Parent Handbook.