

Washoe County Department of Social Services

Parent's Guide to Child Protective Services



“Placing our Children’s Safety First”

PARENTS' GUIDE TO CHILD PROTECTIVE SERVICES

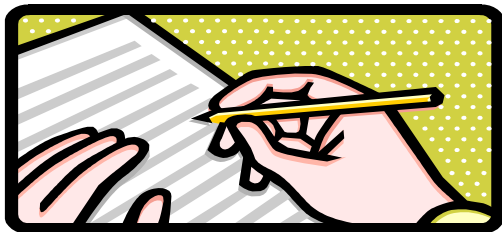
This guide is designed to give you general information regarding Child Protective Services (CPS) and the court process as it relates to cases where children have been placed into protective custody. It is important for you to understand the process so you can fully participate with CPS to achieve a safe and permanent home for your child. If you have specific questions about your case, you can talk to the CPS social worker assigned to you, his supervisor, and/or your lawyer.

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WHAT IS CHILD PROTECTIVE SERVICES?

Washoe County Department of Social Services (also called Child Protective Services, CPS or Social Services) is required by Nevada law to investigate reports of suspected child abuse and neglect. The focus of CPS is to protect children from harm and to make sure that children live in safe environments. The actions taken by Social Services are determined by the family's situation. Washoe County Department of Social Services must make efforts to help families overcome problems, but sometimes children must be removed from their homes to ensure their safety.

Any legal action taken by Social Services takes place in Family Court as a civil matter, not a criminal matter. The police may investigate child abuse and neglect but it is a separate process from a CPS investigation. The police and the criminal division of the District Attorney's Office make the decision to arrest or file criminal charges, not Social Services.



HOW DID CPS HEAR ABOUT ME?

Any person who believes a child is being abused or neglected may make a report to CPS or the police. Additionally, Nevada law requires certain people to make reports of suspected child abuse or neglect. These mandated reporters include doctors, dentists, nurses, hospital personnel, daycare providers, clergy, social workers, teachers and counselors. Mandated reporters can be charged with a misdemeanor if they fail to report suspected child abuse or neglect.

Nevada law does not allow Social Services to disclose the name of the reporting person.

WHAT IS CHILD ABUSE AND NEGLECT?

Nevada law defines several types of child abuse and neglect:

Physical Injury (NRS 432B.090): A non-accidental injury to a child including bruises, cuts, bite marks, burns and broken bones.

Mental Injury (NRS 432B.070): An injury to a child's intellectual, psychological or emotional condition causing impairment of a child's normal range of performance or behavior.

Sexual Abuse or Exploitation (NRS 432B.100 & 432B.110): Any sexual activity with a child, including fondling and lewdness, or encouraging or allowing a child to view pornographic material or engage in prostitution or pornography.

Negligent Treatment or Maltreatment (NRS 432B.140): Failure to provide a child with proper care, control or supervision, food, education, shelter or medical care. This includes leaving a young child alone or with someone who cannot or does not properly care for a child.

A parent or guardian is responsible for the abuse or neglect of a child if he or she causes or allows the abuse or neglect.



IS DISCIPLINE CONSIDERED ABUSE?

Reasonable discipline is not considered abuse or neglect. In determining what is reasonable, the following factors must be considered:

- The child's age;
- The child's physical or psychological conditions or disabilities;
- The frequency and duration of the discipline;
- The location of the physical discipline (buttocks vs. face); and
- The use of an instrument (belt, cord, whip etc.).

Nevada law allows a parent or guardian to "spank" a child as a form of discipline, but an injury cannot be left on a child.

WHAT HAPPENS DURING A CPS INVESTIGATION?



CPS must investigate reports of alleged child abuse or neglect. The type of allegation and the child's age are factors that determine how quickly an investigation is started.

The social worker gathers information regarding the alleged abuse or neglect by interviewing the child, the child's caretaker, the parent(s) or guardian(s) and others who may have information about the family's situation. The social worker may also gather information from other CPS agencies, law enforcement, medical and school personnel. Based upon the facts of the case, a decision is made about the

child's safety and the level of intervention required.

Nevada law allows a CPS social worker to interview a child about allegations of abuse or neglect without the permission and outside the presence of the parent or guardian.

WHAT ARE THE POSSIBLE OUTCOMES OF A CPS INVESTIGATION?

After the investigation is complete, CPS must determine if abuse or neglect occurred and how to address the problem. Here are the possibilities:

- CPS may decide that abuse or neglect has not occurred ("unsubstantiated"). The case may be closed without further intervention.
- CPS may decide that abuse or neglect has not occurred ("unsubstantiated"), but the family is in need of services. With parent approval, the case is kept open for voluntary services.
- CPS may decide that abuse or neglect occurred ("substantiation"). Several things can happen depending on the child's safety:
 - ❖ If the child can remain safely in the home without court involvement, the parent(s) or guardian(s) will be asked to participate in a case plan and a safety plan.
 - ❖ If the child's safety requires court involvement, CPS will place your child into protective custody. The parent(s) or guardian(s) will be required to participate in a case plan.

WHAT HAPPENS IF MY CHILD IS PLACED INTO PROTECTIVE CUSTODY?

A CPS social worker or police officer can place a child into protective custody if he or she believes immediate action is needed to protect a child from abuse or neglect. You will receive written notice listing the date and time for the Protective Custody Hearing. **Nevada law requires a hearing be held within 72 hours (excluding weekends and holidays) after a child has been placed into protective custody.**

A child taken into protective custody must be placed into an emergency shelter, a licensed foster home or with a suitable relative. In determining a relative's suitability, Social Services considers the condition of the relative's home, criminal background, history of abuse or neglect, substance abuse history, ability and willingness to protect the child from the parent (or guardian) and cooperation with the case plan developed by the social worker and the family.

Relatives must follow the guidelines provided by the social worker. If not, your child may be removed from the relative's home and placed into a licensed foster home or facility.

It is important for you to provide information about your relatives early in your case!

CAN I SEE MY CHILD IF HE OR SHE IS IN PROTECTIVE CUSTODY?

Yes! You and your social worker should develop a visitation plan, which outlines the days, times and locations for visitation. Depending on the circumstances of your case, visits may be supervised. Keep in mind that visitation is a time to visit with your child, not to discuss issues in your case with your child or social worker.

Frequent visits are important to you and your child. Your child needs you involved in his or her life!

WHEN & WHERE CAN I GET A LAWYER?

Although the court will not provide a public defender for the Protective Custody Hearing, you have the right to hire an attorney. You may ask the judge for a continuance of the Protective Custody Hearing so you can hire a lawyer. You can find a lawyer in the telephone book or by calling the lawyer referral service of the State Bar of Nevada at 1-800-789-5747.

If your case is not resolved at the Protective Custody Hearing you may apply for a public defender. Following the Protective Custody Hearing, you will be served with a legal document called a *Petition for Hearing* and an *Application for Appointment of Public Defender*. You must complete the application and return it to the court immediately.

If you qualify for a public defender, the court will send you an *Order Appointing Public Defender*. The Public Defender's office will contact you by mail to arrange a time to meet with you. If you do not qualify for public defender services and want an attorney to represent you at future hearings, you must hire one.

It is important that you tell your social worker and attorney of address and telephone number changes.





WHAT IS A PROTECTIVE CUSTODY HEARING?

During the Protective Custody Hearing the social worker explains to the judge why your child was placed into protective custody. You are then given a chance to talk to the judge. Based on the facts, the judge decides if your child will remain in protective custody or be released to you.

If the judge decides that your child should remain in protective custody, the judge will issue a Protective Custody Order. Protective Custody Orders only last for ten (10) days. If the problems are fixed during these ten (10) days, Social Services may return your child to your custody. If it is necessary to keep custody of your child for more than ten (10) days, then Social Services must file a legal document called a *Petition for Hearing* in Family Court.

During this time, Social Services will continue to work with you to solve the problems that caused the abuse or neglect. Your child will live with a foster family or with a suitable relative, or in some cases with you. You must get permission from Social Services before you travel out of the area or allow new people to move into your home if your child is living with you while Social Services has custody of your child.

Washoe County Department of Social Services has the responsibility to make sure that your child is safe and receives proper care. Your involvement in your child's medical, dental and

educational care is important. Talk to your social worker about any concerns you have regarding your child's care.

WHAT HAPPENS IF MY CHILD IS NOT RETURNED AFTER THE PROTECTIVE CUSTODY HEARING?

Adjudicatory Hearing

If Social Services believes your child is in need of protection and that court involvement is necessary, Social Services will file a legal document called a *Petition for Hearing*. The Washoe County Sheriff's Office will serve you with the *Petition for Hearing* and an *Order Upon Petition*. The *Order Upon Petition* provides the date and time for the next hearing. This hearing is called the Adjudicatory Hearing. It is important for you to attend this hearing.

The *Petition for Hearing* lists the reasons why Social Services thinks your child is in need of protection. At the Adjudicatory Hearing you will be asked to do one of the following:

- (1) Admit that all or some of the allegations are true; **or**
- (2) Choose not to comment; **or**
- (3) Deny the allegations and ask for an Evidentiary Hearing (a trial).

If you admit that the allegations are true or choose not to comment, the judge will decide if your child has been abused or neglected.

If you deny the allegations in the *Petition for Hearing* and request an Evidentiary Hearing (trial), a new court date is set.

Evidentiary Hearing

Prior to the Evidentiary Hearing, the court will hold a Settlement Conference. The goal of a Settlement Conference is to solve disagreements without going to trial. If an agreement cannot be reached at the Settlement Conference, the case will proceed to the Evidentiary Hearing.

During the Evidentiary Hearing, Social Services will present evidence and witnesses in support of the allegations in the *Petition for Hearing*. You have the right to question the witnesses and the evidence. You may also present your own evidence and witnesses.

Social Services must prove the allegations by a “preponderance of evidence.” This means that it is more likely that the allegations are true than not true.

At the end of the hearing, the judge decides whether abuse or neglect has occurred and if your child is in need of protection. The judge then proceeds to the dispositional portion of the hearing.

Dispositional Hearing

This hearing is usually held two to three weeks after the Adjudicatory Hearing. The social worker writes a court report detailing the condition of your home, your child’s progress in school, the mental, physical and social background of your family and the progress made on the case plan (See How do I get my child back?). The report also makes recommendations for services and activities to ensure your child’s safety.

You will be provided a copy of the court report prior to the hearing. Talk to your social worker about any concerns you have about the report. You may also talk to the judge about your concerns during the hearing.

During the hearing the judge will give you a chance to discuss any issues you believe are important. At the end of the hearing the judge decides where your child will live and what you and Social Services must do to reach the case plan goal.

If your child is placed in emergency shelter or foster care, you will be ordered to pay child support. Talk to your attorney or the judge if you feel that repaying those costs will interfere with your ability to provide an adequate and safe home for your child.



Multidisciplinary Team Meeting (MDT)

About three months after the Protective Custody Hearing, a MDT is held between you, your social worker, a deputy district attorney, your attorney, your child (if age appropriate) and the foster family or relative placement to your child. Ask your social worker to invite others you think is important to your family’s success.

The MDT is a chance to review your case plan and the progress made on the case plan. It is also a time to let everyone know what is helpful to your family’s success. It is important for you to attend this meeting because it replaces a formal court hearing.

Review Hearing

The court reviews the progress of your case six months after your child is removed from your home. Your social worker sends an updated report to the judge describing the progress made on your case plan. You will receive a copy of the report prior to the hearing. Again, discuss any concerns about the report with the social worker. You may also raise your concerns with the judge during the hearing.

At the end of the hearing the judge will decide if it is safe to return your child to your home. If the judge does not feel it is safe to return your child home, you and Social Services will be ordered to keep working on your case plan.



Permanency Hearing

Federal and state laws require Social Services to find a safe, appropriate and permanent home for any child placed into foster care. A Permanency Hearing must be held within 12 months after a child is placed into protective custody. At this hearing, the court orders a permanent plan for your child. The permanent plan depends on the facts of each case. A permanent plan is one of the following:

- Reunification with the parent or guardian;
- Adoption;
- Permanent guardianship; or
- Permanent custody of the child with a fit and willing relative.

Sometimes the judge will order a concurrent plan. Concurrent means that two permanent plans are worked on at the same time.

You must show significant progress on your case plan prior to the permanency hearing or the judge may choose a different permanent plan for your child such as guardianship or adoption.



HOW DO I GET MY CHILD BACK?

Unless the court orders differently, the goal of Social Services is to reunify you and your child. Prior to the Adjudicatory Hearing, you will be assigned a permanency social worker. This new social worker and the assessment social worker will develop a case plan with you. The case plan identifies what you and Social Services must do to provide a safe environment for your child. It is important for you to take an active role in creating your case plan. It is important for you to maintain contact with your social worker because your permanency social worker will assist you in achieving your case plan goals.

A case plan is a “working document” that changes during your involvement with Social Services and the court. No changes should occur in your case plan without your knowledge. The court reviews all case plans. You should be aware that the court might order you to do additional things that are not listed in the case plan.

Your participation in the services identified by safety plans, case plans and court orders is how you show that it is safe and appropriate to have your child returned to your care. In order to reunify with your child, you must make significant progress on the case plan prior to the permanency hearing.



HOW MUCH TIME DO I HAVE TO GET MY CHILD BACK?

Federal and state laws require Social Services to find a safe, appropriate and permanent home for a child who is in foster care. The court decides if a child will be returned to the parent or placed for adoption, permanent guardianship or permanent custody with a relative within 12 months after the child is placed into protective custody.

There is a presumption that parental rights should be terminated and the child placed for adoption if the child that has been in foster care for 14 out of the last 20 months.

Because of time limits, it is very important for you to:

- Maintain contact with your social worker;
- Develop a case plan;
- Participate in services; and
- Show the court that you have made substantial progress in your case plan to ensure that it is safe and appropriate to return your child home.

ARE YOU OF NATIVE AMERICAN DESCENT?

Native American families have additional protections under federal and state law. The federal law is called the Indian Child Welfare Act (ICWA). If you or your child is affiliated with any federally recognized Indian tribe, or if your relatives are Native American, inform your social worker immediately!



WHAT CAN I DO IF I DISAGREE WITH MY SOCIAL WORKER?

Open discussions with your social worker usually solve disagreements. If not, you may contact your social worker's supervisor. You may also raise concerns with your lawyer and the judge. However, it is best if you attempt to fix the problem with your social worker so you don't have to wait for a court hearing.

WHAT IS A COURT APPOINTED SPECIAL ADVOCATE (CASA)?

The court may appoint a CASA to your child. CASAs are volunteers from the community. The CASA's role is to act as an advocate for your child's best interests and report to the court your child's progress while in custody of Washoe County Department of Social Services.

If you have any additional questions regarding information contained in this book, contact your social worker. Business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m.

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Reno Office
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(Ninth Street and Wells Avenue)
Building B, Room 170
Reno, NV 89512
(775) 328-2300

Wildcreek Office
Wildcreek Business Park
2265 Green Vista Drive
Suite 405
(McCarran Boulevard and Sullivan Lane)
Sparks, NV 89431
(775) 673-7500

Center Street Office
350 S. Center Street
Suite 280
RENO, NV 89501
(775) 337-4400

OVERVIEW OF WCDSS/COURT PROCESS

1. CPS receives a report alleging child abuse or neglect.
2. CPS investigates the allegations.
3. CPS decides what action is needed to protect the child from abuse or neglect.
4. CPS may close the case, offer services or pursue court involvement.
5. Protective Custody Hearing. This hearing is held within 72 hours (excluding weekends and holidays) after a child is placed into protective custody. Written notice of the allegations and the date and time of the hearing is provided to the parents. During the hearing, the judge orders:
 - The child home while CPS offers voluntary services or closes the case;
or
 - The child to remain in protective custody while CPS and the family work to fix the problems that make it unsafe for the child to be at home. The need for further court involvement is also evaluated:
 - ❖ CPS may offer a voluntary case plan if further court action is NOT necessary.
 - ❖ CPS will file a *Petition For Hearing* if further court action is necessary. The Washoe County Sheriff's Office will serve each parent with the *Petition for Hearing* and the *Order Upon Petition*.
6. Adjudicatory Hearing. This hearing is usually held within 30 days of the child's removal from the home. The parents may admit, make no comment or deny the allegations in the *Petition for Hearing*.
 - If the parents admit to the allegations or choose not to comment, the judge decides if the child has been abused or neglected.
 - If the parents deny the allegations, the case is set for an Evidentiary Hearing. Before the Evidentiary Hearing occurs, the court will hold a Settlement Conference.
 - ❖ If the judge determines that the allegations are not true, the judge returns the child to the parents.
 - ❖ If the judge determines that the child is a victim of abuse or neglect and in need of protection, the case moves to the Dispositional Hearing.
7. Dispositional Hearing. The court report is reviewed and everyone gets a chance to talk to the judge. The judge then decides where the child will live and what Social Services and you must do to reach the case plan goal.
8. Review Hearing. The court reviews progress made by the parents and Social Services since the last hearing. If it is safe for the child to return home, the court may dismiss the case. If the family requires more services, another hearing will be scheduled and the child will remain in Social Services' custody.
9. Permanency Hearing. At this hearing, the judge must order a permanency plan for a child who has been in foster care for 14 of the last 20 months.
 - If the parents have made significant progress and it is safe for the child to return home, the permanent plan will continue to be reunification.
 - If the parents have not made significant Progress and it is not safe for the child to return home, the court will order a permanent plan such as adoption or permanent guardianship.