

Child Protective Proceedings

Abuse/Neglect

If you believe that a minor is in danger of physical injury or is living in a seriously damaging home environment, contact the Family Independence Agency or any police agency to make a referral for an investigation. Once the verbal or written referral is made, the Family Independence Agency or law enforcement agency will generate a report of their investigation and forward it to the Prosecuting Attorney's office. The Prosecuting Attorney generates a petition, and forwards it to the Family Court. The Family Court opens a file and the Juvenile Officer conducts a preliminary inquiry.

If the Family Independence Agency **requests immediate removal** of the minor(s) from the home, then there is to be a hearing held within 24 hours from the filing of the petition. This hearing is held to see if there is probable cause for the removal of the minor(s). This hearing may also be a preliminary hearing or the preliminary hearing may be held at a later date.

If the Family Independence Agency **does not request immediate removal** of the minor(s), then a preliminary hearing is to be held with two weeks from the filing of the petition. The minor(s) is/are appointed an attorney for this hearing. The parent(s) or guardian(s) may be represented by an attorney and would either admit or deny the allegations in the petition.

If the parent(s) or guardian(s) **plea and admit jurisdiction**, then the Family Independence Agency prepares a pre-dispositional report. Then a dispositional hearing is held within approximately one month of the plea or finding of jurisdiction. If the minor(s) is/are removed from the home, a review hearing of this matter is held every 91 days with a permanency plan filed 364 days from the filing of the petition. If the minor(s) remain in the home, then there is a review hearing held every 182 days. If there is complete compliance with all requirements and the child returns or remains home, the Family Independence Agency may recommend closure of the matter. This would result in the case being closed.

If the parent(s) or guardian(s) **deny the allegations** in the petition or do not admit jurisdiction, then the court may appoint attorney(s) for the parent(s) or guardian(s). A pretrial is to be held within 2 weeks from the preliminary hearing at which time there will be a plea-bargaining or determination to go to trial. If there is no plea-bargain, then within one month from the pretrial, a trial is to be held to determine if the Court should take jurisdiction. If the parent(s) or guardian(s) admit jurisdiction or if, after the trial, the Court determines that it should take jurisdiction, then the Family Independence Agency prepares a pre-dispositional report. Then a dispositional hearing is to be held within one month of the plea or finding of jurisdiction. If the minor(s) is/are removed from the home, a review hearing of this matter is held every 91 days with a permanency plan filed 364 days from the filing of the petition. If the minor(s) remain in the home, then there is a review hearing held every 182 days. If there is complete compliance with all requirements and the minor(s) return or remain home, the Family Independence Agency may recommend closure of the matter. This would result in the case being closed.

If the parent(s) fail to comply with all the requirements, their parental rights to the minor(s) may be terminated.