

**A Parent Handbook for
Dependency, Neglect, &
Abuse Cases**



State of Delaware – Family Court

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Family Court Locations

There are three family court locations in Delaware:

Leonard L. Williams Justice Center
(formerly New Castle County Courthouse)
500 North King Street
Wilmington, DE 19801

Hours: Monday-Friday 8:30am - 4:30pm

Main Number: 302-255-0300

Parking:

Available at the Leonard L. Williams Justice Center parking facility which is located next to the courthouse. The parking facility may be entered on either Walnut Street (on the left-hand side after crossing 4th Street) or King Street (left turn after passing Wilmington College). Handicapped parking is available in the parking garage. The Courthouse has ramp entrances and automatic doors.

Additional parking is available to members of the public when the Courthouse Parking Garage is full. View a list of parking lots and garages in close proximity to the courthouse and their daily rates at <https://courts.delaware.gov/family/>



Family Court Locations

Address:

Family Court - Kent County

400 Court Street

Dover, DE 19901

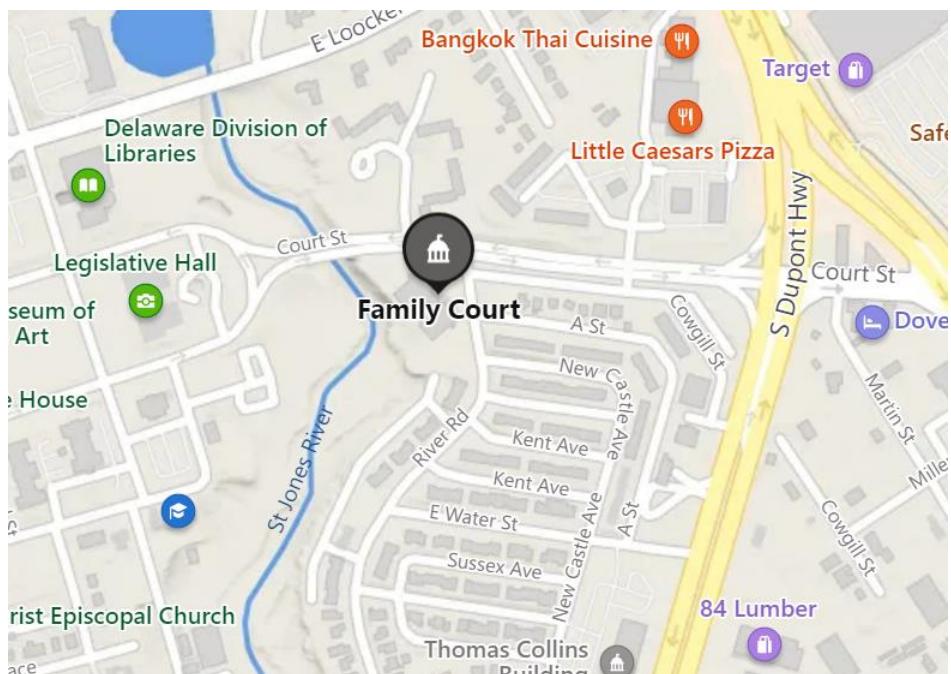
Hours: Monday-Friday 8:30am - 4:30pm

Information: 302-672-1000



Parking:

Parking is available in the lot on River Road opposite the Courthouse. Additional on-street parking is available on River Road. The Courthouse has ramp entrances for handicapped accessibility.



Family Court Locations

Address:

Family Court - Sussex County
22 The Circle
Georgetown, DE 19947

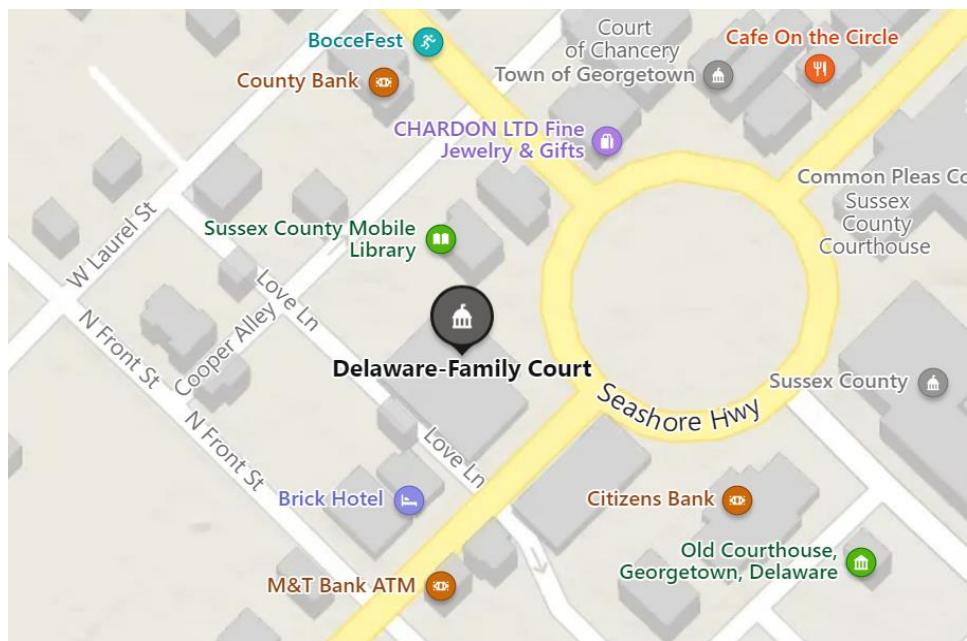
Hours: Monday-Friday 8:30am - 4:30pm

Information: 302-855-7400



Parking:

Off-street parking is available. The Courthouse has ramp entrances and automatic doors for handicapped accessibility.



Overview

Delaware Family Court hears cases involving the dependency, neglect and abuse of children. If you and your family have recently been through an investigation with the Division of Family Services (DFS) and it was determined that your child(ren) needed to be removed from your care, you will be interacting with Family Court. You will have an assigned judge who will hear about your case while your child(ren) is placed in DFS custody.

How This Guide Can Help You:

This guide is intended to provide you with an overview of what you can expect during your involvement with Family Court. This guide does not offer legal advice. It does offer concrete information about the court process. It also provides some helpful tips and lets you know what you are entitled to as a parent during this time. Your parent attorney will be there to assist you if you have any questions about this guide.

Family Court Hearings:

It is important for you to attend and participate in your court hearings. You are a critical person in your child(ren)'s life. This is an opportunity for your voice to be heard. Delaware Family Court wants to hear from you and welcomes your presence in court.

Right to Counsel:

If you cannot afford to hire an attorney, you will have one appointed free of charge. Be sure to speak with your parent attorney about how you can best prepare for court. If you do not attend your hearing, decisions will be made about your child without you.

Petition:

You will receive documents that tell you what allegations were made against you that resulted in your child(ren) being placed in out-of-home care. This is the petition and it will be discussed at your first court hearing.

Notice:

You will receive a notice indicating the date and time of your court hearing. Notice may be received by email, mail or personal service to your residential address. Please come to court or attend your virtual hearing with this information. Again, Family Court wants you to attend your hearings so please come to court or attend your virtual hearing on the scheduled date. If you are unsure of whether your hearing is in-person at the courthouse or being held virtually via Zoom, then contact the DFS worker, your assigned parent attorney or the Family Court in advance of your scheduled hearing.

Affidavit in Support of Application to Proceed *In Forma Pauperis*:

You may receive a financial information form. This will assist the judge in determining if your assigned parent attorney will continue on your case. If you receive this, you should fill it out and have it with you during your hearing.

Important Information to Know Before the Court Hearing

What should I know before coming to the courthouse?

- Note that cell phones and electronic devices are not permitted inside the Leonard L. Williams Justice Center (New Castle County). No food or drink items are permitted in the courtroom in all counties.
- Talk with your parent attorney or DFS worker to confirm the date and time of the court hearing and if the hearing is in person or by Zoom. Let them know if you need help getting transportation to the hearing or if you need technical assistance with Zoom.
- If your hearing is in person, you should plan on arriving 20 minutes early for your hearing to allow time to go through security when you get to the courthouse and to allow time to meet with your parent attorney and other individuals involved in your case before entering the courtroom.
- For in-person hearings, if you do not know which floor/courtroom to go to upon entering the courthouse, ask at the Information Desk. You will also need to sign in at the front desk outside the courtroom when you reach the correct floor/courtroom.

What should I know before my virtual hearing?

- If your hearing is being held virtually via Zoom, make sure you have access to an electronic device that contains the Zoom application or make alternative arrangements with your parent attorney. You should plan to log into the hearing at least 5 minutes before it is scheduled to begin.
- Contact your attorney or DFS worker immediately if you have difficulty logging in. It is not unusual for people to have to wait before being admitted into the Zoom hearing, so do not disconnect.
- You should be alone during your virtual hearing. If anyone else is present with you, please let the Judge and your attorney know.
- Do not eat, drink, or smoke while in your zoom hearing. Please remain on camera if possible and do not walk around or be driving during your hearing.

What should I have with me at my hearing?

- Ask your parent attorney what important documents you need to bring to or have available for your court hearing. Bring these documents with

Important Information to Know Before the Court Hearing

you for an in-person hearing, or provide if your hearing is by Zoom, get them to your parent attorney in advance for a virtual hearing as soon as possible.

- You may bring a support person with you to every hearing. The judge will decide as to whether it is appropriate for this person to be allowed inside the courtroom or to be present for the virtual hearing at the beginning of the hearing.
- You may want to write down what you want to say before coming to court. You can then discuss what you want to say with your parent attorney and talk about whether you will testify.
- If you require an interpreter, notify your parent attorney or DFS worker in advance of your hearing.
- If you have a friend or relative who is willing to be a placement or visitation resource for your child(ren), let the DFS worker and your parent attorney know. Provide the DFS worker and your parent attorney with your friend or relative's contact information so that they can be considered for placement or as a visitation/family time resource.

What should I know for my hearing?

- You can call your judge "Your Honor" or "Judge."
- There will be a great deal of information discussed in court. If someone says something that you do not agree with, let your parent attorney know. Be aware of how you react during the hearing and remain respectful. Do not speak out without permission from the judge or your attorney.

How should I dress for my hearing?

- While there is no written dress code for the courtrooms, certain attire is not considered suitable. This includes shorts, swimsuits, midriff and tank tops, and slippers. Non-prescription dark glasses must be removed once you enter the courtrooms. Do not wear a hat unless you do so for religious or medical reasons. This dress code applies to both in person and virtual hearings. Please remember to dress for virtual hearings as you would for in person hearings.

Your Responsibilities as a Parent

Who will be my parent attorney?

- You may hire your own attorney, or if you cannot afford to hire a parent attorney, one will be appointed to represent you, free of charge
- Your assigned parent attorney is different from the attorneys who represent your child(ren) or DFS
- Your assigned parent attorney does not work for the court or for DFS. They are assigned to your case and work on behalf of your interests

How can my parent attorney help my case?

- Your parent attorney will listen to you.
- Your parent attorney will ask about your relationship with your child(ren).
- Your parent attorney will assist you in talking to the judge and will work hard to make sure your side of the story is presented.
- Your parent attorney will help you understand what the judge has ordered related to your case.
- You can talk privately with your parent attorney about your case
- Your parent attorney will explain confidentiality to you.
- You have other rights in addition to the right to be represented by an attorney. Ask your parent attorney for a copy of Section 2520 of Title 13 for more information on the duties and rights of parents under a DFS custody order.

How can I help my parent attorney with my case?

- Communication with your parent attorney is important. Please let your parent attorney know the best way to reach you.
- If you have a phone number, please provide your phone number, and let your parent attorney know if this changes.
- If you prefer communicating by text or another app on your phone, discuss that with your parent attorney.
- Share your mailing address and email address with your parent attorney.
- It is extremely important that you provide your current contact information to your parent attorney and that you give them updated information every time you move or change your phone number or other contact information
- Make an appointment to talk with your parent attorney before and after court. Contact your parent attorney with questions
- Come to court for every hearing.

Your Responsibilities as a Parent

- Inform your parent attorney of any other legal matters or court hearings you are involved with
- Attend visits/family time with your child(ren). Let your parent attorney know immediately if you are having any difficulty arranging or attending visits/family time.
- In addition to visits/family time, there will be lots of activity outside the court- room including team meetings, school meetings, doctor visits, ice breakers with foster parents, team decision making meetings, conferences with your parent attorney. It is important for you to attend all appointments. If you can't attend, let your parent attorney and/or DFS worker know and explain why you can't attend.
- Participate in creating your Case Plan. The Case Plan is a document that will be discussed at almost every hearing. The Case Plan outlines what you, as a parent, are going to do in order to work towards reunification with your child(ren). Talk with the DFS worker and your parent attorney about how you can become involved in creating this plan.
- Follow your Case Plan. Please make sure you understand what is on your Case Plan. If you have any questions at all, ask your parent attorney or DFS worker.

Who is Inside the Courtroom?

There will be a number of people who are involved in your case at court. These people have different titles/names.

The attorney who represents you is called a **parent attorney**.

The attorney representing your child(ren) is called a **Child Attorney**. Your child may also have a volunteer assigned to work with them called a **Court Appointed Special Advocate (CASA)**.

The attorney representing the Division of Family Services is called a **Deputy Attorney General (DAG)**.

The **Division of Family Services (DFS)** case worker involved in your case.

Sometimes DFS contracts with private agencies to provide services to your family. A **private agency worker** may also be present.

Foster parents may be present at court.

Court staff will be present. Court staff may include court security, law clerks, or court reporters.

Finally, the **Family Court Judge** will hear all of the information about your case and issue court orders about what will happen with you and your child(ren) during this time. Please ask your parent attorney about these orders.

How Many Hearings Will You Attend?

This depends on your own individual case. There are many different court hearings that can occur in a case. Some families may have fewer hearings than others.

Preliminary Protective Hearing: The first hearing the Court holds is called the Preliminary Protective Hearing or PPH. This hearing is held within 10 days of your child(ren) being removed from your home. The judge will determine if there is enough evidence to keep your child(ren) in DFS custody until a full trial can be held. This hearing has a very low burden of proof and hearsay is generally allowed. You should already be in contact with your parent attorney and they will talk with you immediately prior to your hearing. You should have a visitation/family time schedule in place by the conclusion of this hearing and you should talk to your attorney about any concerns you may have with it.

Adjudicatory Hearing: This hearing occurs about 40 days after your child(ren) has been removed from your home. This is the trial for your case to determine whether there is sufficient evidence that the child(ren) is dependent, neglected or abused as to both parents and whether the child(ren) must stay in DFS custody for the child(ren)'s safety. There is a higher burden of proof at the Adjudicatory Hearing than at the PPH and no hearsay is allowed. Your parent attorney will have an opportunity to present evidence and witnesses on your behalf at this hearing.

If it is ordered that the custody of your child(ren) is to remain with DFS, please talk with your parent attorney AND with the DFS worker about the Case Plan process. It is important for you as the parent to be involved in the plan that you will be responsible for completing over the next several months.

How Many Hearings Will You Attend?

Dispositional Hearing: This hearing occurs about 70 days after your child(ren) has been removed from your home. By the time of your Dispositional Hearing, you should have already been in contact with DFS treatment worker about your Case Plan. The Case Plan outlines what you must do before your child(ren) can return home. The Case Plan lists what services DFS will provide to you and your child(ren). You and your parent attorney may also suggest DFS and the judge any services or programs that you believe will help you or, in the alternative, that should be in your Case Plan. Similarly, at this hearing, your parent attorney may argue to have services removed from the Case Plan if they are not necessary. DFS will send a copy of the Case Plan to the court a couple of days prior to the Dispositional Hearing.

Please speak with your parent attorney about your Case Plan. ***There is a sample Case Plan included at the back of this handbook for your review.***

Review Hearing: These hearings are typically held within 90 days after the Dispositional Hearing and will then occur every 90 days moving forward. If you attend a Review Hearing in January, you will likely come back to court in March or April for your next hearing.

A Review Hearing will involve discussion about your child(ren) and your progress on your Case Plan. The following topics may be discussed:

- Any medical or dental appointments your child(ren) has had and what the follow up on those appointments has been.
- How your child(ren) is doing in school or daycare and if there are any special educational needs that need to be addressed.
- How your child(ren) is doing in her/his foster placement. The foster parent may also attend court

How Many Hearings Will You Attend?

- How the visitation/family time with you and your child(ren) has been going, how often you engage in visitation/family time, and whether there should be more visits/family time.
- How much progress you are making on your Case Plan and with what areas you may need support.
- What changes, if any, need to be made to your Case Plan.

Permanency Hearing: This hearing is typically held 12 months after your child(ren) has been placed into foster care. If your child(ren) has not been returned to your home by the time of this hearing, the court must consider what the appropriate permanency plan is for your child(ren) at this hearing. You will have already discussed this with your parent attorney and your DFS worker by the time you come to court for this hearing.

The court will consider the following plan for your case:

1. Continued Reunification - You may be permitted to continue to work on your Case Plan for a short period of time. If you have been diligently working on your Case Plan and DFS and the court expect that you can successfully complete your Case Plan within a reasonable amount of time, you may be permitted to do so. Please speak further with your parent attorney about this.
2. Guardianship or Permanent Guardianship - If there is a person who may be interested in having guardianship or permanent guardianship of your child, the judge may change the permanency plan and schedule a hearing on a guardianship or permanent guardianship petition.
3. Another Planned Permanent Living Arrangement (APPLA) - If your child(ren) is over the age of 16, they may continue to stay in foster care until they reach adulthood at the age of 18. When your child turns 18, your DFS court case ends.
4. Termination of Parental Rights (TPR) - The court may decide to move the case towards a termination of your parental rights to allow for the adoption of your child(ren). If so, a Termination of Parental Rights Hearing will be scheduled.

How Many Hearings Will You Attend?

It is important that you speak with your parent attorney about these various permanency options and what they mean for your own unique situation.

Termination of Parent Rights Hearing: This hearing is held if DFS files a Termination of Parental Rights petition, and the judge changes the permanency plan to termination of parental rights. The court will decide whether to terminate your parental rights. The court will decide whether to terminate your parental rights and whether termination of your parental rights is in your child(ren)'s best interest. This hearing has a higher burden of proof.

Glossary

Abused – If the court finds that you have abused your child, this means that the court believes your child(ren) was physically injured, sexually abused, emotionally abused, tortured, exploited, or maltreated in your care.

Adjudicatory Hearing – The hearing, or trial, where the court decides if your child(ren) is dependent, neglected or abused in your care.

APPLA – Alternative Planned Permanent Living Arrangement. This is when your child(ren) is provided with independent living services to prepare them to age out of foster care.

Attorney – An attorney is another name for a lawyer.

Case Plan – The written document that sets out what you have to do to get your child(ren) returned. It lists the services DFS will assist you and your child(ren) with in order to help you get your child(ren) back.

CASA – Court Appointed Special Advocate. This is a volunteer appointed by the judge to help look out for what is in your child(ren)'s best interest. You may or may not have a CASA in your case.

Child Attorney – This is the lawyer assigned to represent your child(ren).

Contested – If a hearing is contested, it means that you do not agree with what DFS wants and you want to have a full trial.

Custody – Custody refers to the legal right to care for a child(ren).

Dependent – If your child(ren) is found to be dependent, this means that the court believes you are unable to appropriately care for your child(ren) at this time.

Dispositional Hearing – This is the hearing where the judge decides what you have to do to keep or get your child(ren) back in your home. At this hearing, a Case Plan is reviewed and ordered.

DFS attorney/DAG – The Deputy Attorney General. This attorney represents DFS in court.

DFS caseworker – This person works for DFS and will help you plan to accomplish your Case Plan. They will also ensure that visits occur with you and your child(ren).

Due Diligence – DFS is required to search for and try to locate family members who may be a resource for your child(ren).

Ex Parte order – This is an initial order issued by the judge before receiving any input from you. This order grants temporary custody of your child(ren) to DFS.

Glossary

Family Interventionist – You may be assigned a family interventionist (“FI”) who will help you gain the skills needed to meet the goals on your Case Plan.

Foster parent – This person provides temporary care for your child(ren) in their home.

Guardian – The person with the legal right to care for a child(ren).

Indigency - When you cannot afford to pay for your own attorney.

ICPC home study – The Interstate Compact for the Placement of Children. If your child(ren) is going to be placed out of state (even with a parent or relative), the receiving state must first conduct a home study of the placement family’s home to ensure that it is safe for your child(ren).

Judicial Officer – The judge is the person in charge of your case. The judge makes sure everyone does his or her job in your case.

Neglected – If your child(ren) is found to be neglected, this means that the court believes your child’s basic needs are not being met in your care.

Permanency Hearing – This is a hearing where the judge decides what the appropriate permanency plan will be for your family going forward.

Permanency Plan – The plan for the permanent placement of your child(ren).

PPH – The Preliminary Protective Hearing. This is a brief hearing done immediately after the child(ren) have been removed from your home. The court decides if the child(ren) should return home or if they should continue in out-of-homecare until an adjudicatory hearing can be held.

Reasonable and Prudent Parent Standard – Careful and sensible parental decisions that maintain the health, safety and best interest of a child(ren), while at the same time encouraging the emotional and developmental growth of the child(ren). A foster parent or caregiver should apply the reasonable and prudent parent standard when determining whether to allow a child(ren) placed in her or his care while in DFS custody to participate in extracurricular, enrichment, cultural and social activities.

Glossary

Reasonable Efforts – DFS is required to show that it has made reasonable efforts to provide the necessary services to you and to help you be ready to safely be a fulltime parent to your child(ren).

Reunification – This is when you gain or regain custody of your child.

Review Hearing – This is a hearing to check how well you are progressing on your Case Plan and how your child is doing in DFS custody.

Stipulation – A stipulation is an agreement. If you stipulate to your child(ren) being dependent, neglected or abused, this means that you agree to your child(ren) being placed in out-of-home care for the time being. If you do not stipulate, your hearing will be contested.

TDM – At the Team Decision Making meeting, people invested in your child's well-being come together to decide on a plan for the safe placement of your child(ren).

TPR/Adoption – Termination of parental rights is when you lose your legal rights as a parent to your child(ren). The child(ren) may then be adopted.

TPR Hearing – The Termination of Parental Rights Hearing. This is a hearing where it is determined whether you will lose your legal rights as a parent to your child(ren). If this happens, the child(ren) can be adopted. You also have the right to appeal the decision. Not all cases go to termination of parental rights.

Zoom – A free application for your phone or computer for video calls or meetings. Zoom meeting can also be joined by telephone or internet browser. Some Family Court Hearings are held using zoom.

Important Names, Addresses Phone Numbers:

YOUR PARENT ATTORNEY'S NAME & CONTACT

DFS INVESTIGATIVE WORKER'S NAME & CONTACT

DFS TREATMENT WORKER'S NAME & CONTACT

CASA'S NAME & CONTACT

CHILD ATTORNEY'S NAME & CONTACT

FAMILY INTERVENTIONIST'S NAME & CONTACT

OTHER: _____

Upcoming Court Hearing Dates

Case Plan To Do List (check when completed)

Substance Abuse Evaluation: Where(circle): Brandywine Co. / CORAS / PSI / Other: _____
When: _____
Address: _____ Phone No.: _____ Contact Person: _____

Treatment Schedule: Individual sessions: m / t / w / th / f _____ a.m./p.m. Group: m / t / w / th / f _____ a.m./p.m. Address: _____ Phone No.: _____ Contact Person: _____

Family Interventionist: Where (circle): New Behavior Network / Child Inc. / Children & Families First / Other: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Parenting Classes: Where (circle): New Behavior Network / Child Inc. / Children & Families First / Other: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Mental Health Evaluation: Where (circle): Brandywine Counseling / CORAS. / People's Place / A Balanced Reality / Mid-Atlantic Beha. Health / Other: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Mental Health Treatment: Where (circle): Brandywine Counseling / CORAS / People's Place / A Balanced Reality / Mid-Atlantic Beha. Health / Other: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Domestic Violence Liaison: Where (circle): DFS / Child Inc. / Other: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Domestic Violence Counseling: Where (circle): DFS / Child Inc. / A Balanced Reality / Other: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Vocational Training: Where: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Other: _____ Where: _____
Who schedules intake / appointment (circle): DFS Worker / Parent

Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Other: _____ Where: _____
Who schedules intake / appointment (circle): DFS Worker / Parent
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Visitation/Family Time Schedule: Where (circle): DFS Office Other: _____
Address: _____ Phone No.: _____ Contact Person: _____
When: _____

Important Information to Talk with Your DFS Worker About:

- What should you do if you need Transportation Assistance to visit your children?
- When do you need to request this Transportation Assistance?
- If your Visitation schedule needs to be changed, when do you need to notify them?
- Does your child(ren) have any upcoming medical appointments that you should attend?
 - If so, when, _____ and where _____?
- Does your child(ren) have any upcoming educational meetings that you should attend?
 - If so, when, _____ and where _____?
- Are there any changes in Court dates?

Next Meeting Date for DFS:

Your Appointment is with: _____ Dates _____

Your Appointment is with: _____ Dates _____

Address: _____

Please Remember to Bring: _____

Questions for your DFS Worker: _____

Next Meeting Date with your Parent Attorney:

Your Appointment is with: _____ Dates _____

Your Appointment is with: _____ Dates _____

Address: _____

Please Remember to Bring: _____

Questions for your Attorney: _____

Important Phone Numbers:

Parent Attorney: _____ Number: _____

DFS Worker: _____ Number: _____

DFS Supervisor: _____ Number: _____

CASA: _____ Number: _____

Your Child's Caseworker: _____ Number: _____

PBH Worker: _____ Number: _____

Family Court Judge: _____

Notes

Notes

Note

