ADVOCATING FOR YOUR FOSTER CHILDREN

How foster parents can help the children in their care.

Foster parents have the right to be heard in court. They were given this right in 1997 by the Adoption and Safe Families Act (ASFA.) The right to be heard, however, does not guarantee that foster parents will be taken seriously. To be effective foster parents must have something important to say, be able to document and support it, know when and where to say it, and know what they wish to accomplish.

Foster parents have the most current day-to-day knowledge of the child and the most to offer in terms of a possible permanent home. Here are seven means that foster parents can employ to use their voice and be effective.

KEEP A DAILY JOURNAL

Keep a daily log on your foster child. Get in the habit of writing down a few comments each night before you go to bed. Record specific events, the good and the bad, the ordinary and the extraordinary.

Such a document will be valuable in several ways. First, specific details are helpful at case conferences when important decisions are made about the child's future.

Second, this information can be presented in court to the judge as he makes critical decisions in the child's life. Information is necessary to good decision-making, and written information can be persuasive evidence.

Third, a daily journal can be used as evidence of how much you care and are attached to your foster child. If you wish to adopt, your written record itself is evidence of attachment and bonding.

ATTEND ALL CONFERENCES AND HEARINGS

You cannot have a voice if you are not present. Attend all case conferences and court hearings.

The case plan is fashioned at case conferences. Details about visitation with birth parents, medical and mental health care, special education classes, and long-term goals for reunification or adoption are decided at these conferences.

Insist on your right to be notified and to have your say at these conferences. You have the right to be notified and to be there. Even more, as a foster parent you have the duty to be there to make known what you believe is in your foster child's best interests.

USE THE CASE CONFERENCE POLICY

Foster parents are to be included in decisions about placement of their foster children and about developing or changing the case plan. Most important, when a child is removed from a foster home, your voice must be heard before action is taken.

Should the case manager plan to remove a child and you disagree, here is the procedure of the Indiana Division of Family and Children as described in its case conference policy.

1. The child is not to be removed from your home while the disagreement is being reviewed.
2. Inform the DFC in writing of your wish to call a case conference. Ask that all the persons important to the child be invited. According to its policy, the DFC must convene the case conference within 10 days.
3. If the case conference cannot reach 100 percent consensus, you may appeal to the county director. He will listen to all sides and review the decision.
4. If you still disagree with the decision, you may appeal for a hearing to the regional director. Make your appeals in writing. All appeals must be heard before any action is taken.

For further information on the case conference policy, consult the ACT brochure The Case Conference Policy.

USE AN ATTORNEY WHEN YOU NEED ONE

An attorney can be critical in assuring that your voice is fully heard. Times when you may need an attorney include when you have decided you want to adopt, when the DFC threatens to remove a child against your better judgment, when your license has been threatened, when you have been accused of abuse, or simply when you feel you are not being heard.

If you would like to adopt your foster child, get an attorney promptly. You do not have to wait until after the termination of parental rights (TPR.) In fact in some cases it is appropriate to file for adoption before the TPR. Call ACT's toll-free number for a list of attorneys in your area who have taken our seminar on foster care adoptions.

If you feel you are being steamrolled or are afraid of being blackballed, you may wish to bring your attorney to the case conference. You have the right to have your attorney with you in court at review and permanency hearings as well. As your legal advisor, your attorney may accompany you anywhere.

Some foster parents are afraid to retain an attorney for fear of irritating the DFC. The opposite may be true. You are more likely to be dealt with carefully and treated with respect if you have an attorney.

EXERCISE YOUR RIGHT TO BE HEARD IN COURT

Recent Indiana law requires that you be notified in person or by certified mail ten days in advance of any court hearing. Failure to notify you should result in a continuance or require a re-hearing.

You have the right to have your say in front of the judge. You may ask for the right to present witnesses to support your position and to cross-examine other witnesses.

Presenting a written statement to accompany your testimony may enhance what you have to say. The Allen County Reporting Form covers many areas where a foster parent can give effective testimony.

Take advantage of your opportunity to be heard in court. Be an advocate for your foster child. If you have a different opinion about what is best for the child, say so and give your reasons. You are not a troublemaker simply because you have an honest

difference of opinion.

WORK WITH YOUR CASA

Many foster children have a CASA (court-appointed special advocate) or GAL (guradian-ad-litem) appointed to represent the child's best interests. Get to know your child's CASA and keep him fully informed of what is happening in your home and what you think is best for the child.

CASA's and GAL's have legal party status in court matters relating to your foster child. This means they can file for court hearings (including a termination of parental rights), present witnesses to support their position, and cross-examine others with different points of view. If you and the CASA agree about the child, together you can advocate more fully and effectively.

KNOW WHO'S IN CHARGE

If you have difficulties when you try to advocate for your child, try to work first in your own county. Use the case manager, request a case conference, appeal to the county director. If you cannot get satisfaction in your own county, if you feel your county DFC office is failing to follow its own policies, find some key state-level offices at Know Who's In Charge.

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