

## The Role of Juvenile Court

When Children's Services assesses a child at high risk of abuse or neglect, the agency often files a complaint in Juvenile Court concerning the child. The court has the authority to order:

- protective supervision of the family while the child remains in the home
- custody to a relative or others
- temporary custody to the Hamilton County Department of Job and Family Services (HCJFS)
- permanent custody to HCJFS or long-term foster care for the child.

Placement of a child in a substitute care setting (such as a foster home or residential treatment facility) is subject to court approval. The court considers evidence presented by HCJFS, the parents and the child's court-appointed guardian *ad litem*. Information often is presented by caseworkers, relatives, foster parents, therapists, teachers and others to assist the court.

### **Legal Mandates Guide the Public Protection System**

Laws, court rulings and regulations form a framework for the public child protection system. They mandate specifics such as case plans for each child, time frames for court review of those plans and guidelines for notifying parents and other key parties about upcoming action on cases. Children can be removed from their parents or legal custodian in emergency circumstances when there is immediate danger of serious harm, or when in non-emergency circumstances the court determines by clear and convincing evidence that removal is in a child's best interests.

### **Juvenile Court has Several Departments**

Juvenile Court has a department devoted to cases of child abuse, neglect and dependency. In addition, Juvenile Court has responsibility for delinquency cases (children charged with crimes), status offenses (children alleged to be unruly), traffic offenses involving juveniles, paternity and child support matters, and for some crimes committed against juveniles by adults.

### **Appointed Magistrates Make Recommendations to Judges**

Eight magistrates appointed by Hamilton County Juvenile Court Judges preside over child abuse, neglect and dependency cases. Magistrates conduct hearings and make

decisions. A party may challenge the magistrate's decisions by filing objections requesting a judge review the decision.

### **Assistant Prosecuting Attorneys Advise Children's Services**

The Hamilton County Prosecuting Attorney's Office has assigned 13 attorneys to handle Children's Services cases for the Hamilton County Job and Family Human Services (HCJFS).

### **Caseworkers Devote Energy to Court Preparation**

Children's Services caseworkers spend a considerable amount of time preparing for court. They work hard to confirm facts from alternative sources such as therapists, foster care providers and relatives. They talk with supervisors and assistant prosecuting attorneys. Preparation, objectivity and professionalism are important as caseworkers make their presentations in court.

### **Hamilton County Court Follows Unique Procedure**

Child abuse, neglect and dependency cases begin in Hamilton County Juvenile Court on the day a complaint is filed. The court conducts a hearing, referred to as a Day One Hearing, where a magistrate explains to parents their rights and the nature of the court proceeding. In emergency situations, the magistrate receives evidence and makes a decision whether the child should remain

with a parent or be placed in substitute care. Public defenders are available to represent indigent parents. A guardian *ad litem* represents the child. Guardians *ad litem* come from the Hamilton County Public Defender's Office, or from ProKids, an independent agency.

### **Juvenile Court More Informal Than Other Courts**

To best address the needs of children, Juvenile Court has the flexibility of proceeding in a more informal manner than other courts. Some hearings take the appearance of a conference, where a variety of parties involved in a case work to come to a consensus on how to best serve a child.

### **Some Cases Lead to Formal Trials**

If a case is not settled by agreement, a formal adjudicatory hearing – similar to a trial – is conducted. If the court determines by clear and convincing evidence that the child is abused, neglected or dependent, the court will proceed to the next phase of the case called the disposition. At this stage, the court determines the custodial status of the child and approves a case plan. Thereafter the court periodically reviews the progress being made on the case plan.

### **Emergency Orders Most Common**

Many removal orders Juvenile Court issues result from emergencies – instances where children are assessed at imminent risk of serious harm. HCJFS can seek emergency orders during regular weekday court hours – Monday through Friday, 8 a.m. to 4 p.m. The court is accessible by telephone for emergency circumstances after hours. Removal orders also come in a more planned fashion during regularly scheduled hearings.

### **Variety of Questions Answered in Court**

Common questions Children's Services must answer in Juvenile Court include:

- What is the agency's long-term plan for a child and the time frame for implementing it?
- What problems do parents need to address?
- What changes need to occur?
- What services do parents need?
- What services are being provided?
- How are they progressing in services?
- What problems are interfering with parents' participation in services?
- How are visits between the parent and child progressing?
- Are relatives available to provide temporary care or other assistance for children?
- How is the child progressing at school, both academically and behaviorally?
- What are the special physical, emotional and educational needs of the child?
- How is the agency addressing these needs?